



PRESENT:

Mr. Russell J. Gulley, Chairman
Mr. F. Wayne Bass, Vice Chairman
Mr. Sam R. Hassen
Dr. William P. Brown
Mr. Reuben J. Waller, Jr.
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department
Ms. Amy Somervell, Senior Planner, Development
Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Principal Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Clerk to the Planning Commission,
Planning Department
Ms. Lisa Caudill, Secretary, Administration Branch,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Jesse Smith, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Lieutenant Frank X. Nause III,
Fire Marshal #4, Fire Department
Dr. Mike Etienne, Communications Specialist,
Planning Department, School Administration

WORK SESSION

Messrs. Gulley, Bass, Hassen, Brown, Waller and staff met at 2:30 p. m. in the Multipurpose Meeting Room (1st Floor) at the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA, for a work session to discuss the following:

ANNUAL MEETING:

I. Election of Officers for 2008.

- **Chairman.**
- **Vice Chairman.**

II. Adoption of Planning Commission By-Laws.

III. Adoption of Planning Commission Meeting Dates for February 2008–January 2009.

WORK SESSION

- I. **Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation and Dinner Location Selection.**
- II. **Review Upcoming Agendas.** (Any rezonings or conditional uses scheduled for future meetings.)
- III. **Review Day's Agenda.** (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)
- IV. **Work Program – Review and Update.** 📄
- V. **Approval of Planning Commission Minutes:**
 - **November 20, 2007 Joint Planning Commission and Preservation Committee Meeting Minutes.** 📄
 - **November 20, 2007, Planning Commission Regularly Scheduled Meeting Minutes.** 📄
 - **December 18, 2007, Planning Commission and Preservation Committee Meeting Minutes.** 📄
 - **December 18, 2007, Planning Commission Regularly Scheduled Meeting Minutes.** 📄
- VI. **Appointment of Committees.**
- VII. **Residential (R-5) Zoning Classification.** (Deferred from Previous Meeting.) 📄
- VIII. **Proposed Code Amendment Relative to Vehicle Parking in Front Yards in Residential Districts.** 📄
- IX. **Proposed Code Amendment Pertaining to Unmanned Motor Vehicle Fueling Stations in Industrial Zoning Districts.** 📄
- X. **Proposed Code Amendment Pertaining to Water Dependent Recreational Facilities in the R-88 Zoning District.** 📄
- XI. **Recess.**

ANNUAL MEETING: Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield County VA.

I. ELECTION OF OFFICERS FOR 2008.

• CHAIRMAN

Mr. Turner stated the first order of business would be the election of officers for the positions of Chairman and Vice Chairman to the Planning Commission for 2008.

Nominations for the office of Chairman to the Planning Commission for 2008 were opened.

Mr. Bass nominated Mr. Russell J. Gulley to serve as Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller, seconded by Dr. Brown, that the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to elect Mr. Russell J. Gulley to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Bass, Brown, Gulley, Hassen and Waller.

At this time, Mr. Gulley assumed the Chairmanship.

- **VICE CHAIRMAN**

Mr. Gulley opened the nominations for the office of Vice Chairman to the Planning Commission for 2008.

Mr. Waller nominated Mr. F. Wayne Bass to serve as Vice Chairman of the Planning Commission.

There were no other nominations; therefore, it was on motion of Mr. Waller, seconded by Dr. Brown, that the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to elect Mr. F. Wayne Bass to serve as Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gulley, Bass, Brown, Hassen and Waller.

At this time, Mr. Bass assumed the Vice Chairmanship.

- **RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR PLANNING COMMISSION REPRESENTATIVE TO SERVE ON THE RICHMOND REGIONAL PLANNING DISTRICT COMMISSION.**

Mr. Turner stated the Board of Supervisors had requested that the Commission recommend a nominee to serve on the Richmond Regional Planning District Commission.

Dr. Brown nominated Mr. Russell J. Gulley to serve as the Planning Commission representative for the Richmond Regional Planning District Commission.

There were no other nominations; therefore, it was on motion of Mr. Hassen, seconded by Mr. Bass, that the Commission resolved to close the nominations for appointment of a Planning Commission representative to serve on the Richmond Regional Planning District Commission.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend to the Board of Supervisors that Mr. Russell J. Gulley be appointed to serve as the Planning Commission's representative to the Richmond Regional Planning District Commission for the appropriate term.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

II. ADOPTION OF PLANNING COMMISSION BY-LAWS.

Mr. Robinson presented an overview of proposed revisions to the Planning Commission's By-Laws.

Upon conclusion of the discussion, it was on motion of Mr. Bass, seconded by Dr. Brown, that the Commission adopted their By-Laws, as amended:

CHESTERFIELD COUNTY PLANNING COMMISSION BY-LAWS

ARTICLE I

Name

The name of the organization shall be the CHESTERFIELD COUNTY PLANNING COMMISSION

ARTICLE II

Authority for Establishment

The Planning Commission is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, Article 2. The Planning Commission (the "Commission") members shall be appointed by the Board of Supervisors (the "Board"). There shall be one (1) member from each magisterial district. All members must reside in the County, and at least one-half of the members must be owners of real property.

ARTICLE III

A. Powers and Duties of the Chesterfield County Commission

1. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of the County of Chesterfield, Virginia, 1997, as amended, and any applicable County policies.
2. To make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
3. To promote programs, policies and plans to achieve a desirable distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities.
4. To appoint any committees or subcommittees.
5. By a majority vote, establish a work program with projects and priorities.

B. Elections and Appointments

1. The officers of the Commission shall consist of a Chairman, a Vice-Chairman and a Secretary.
2. The Chairman shall be elected by a majority of the Commission members present at each annual meeting and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Chairman shall only hold office until December 31 of that year. The Chairman shall serve no more than two consecutive one-year terms. The Chairman shall have the following duties:
 - A. Preside at meetings of the Commission, promote the orderly and expeditious conduct of the meeting, and such other duties as are usually exercised by the Chairman of a Commission or as may be assigned by the Commission or Board.
 - B. Preserve order and decorum; decide questions of order and procedure; and set reasonable time limits for speakers and public hearings provided that by majority vote the Commission may reject such time limits.
 - C. The Chairman may speak, make motions, and vote on all questions.
3. The Vice-Chairman shall be elected by a majority of the Commission members present at each annual meeting, immediately after the election of the Chairman, and shall hold office until the next annual meeting, except in the year of a Board election. In the year of a Board election, the Vice-Chairman shall only hold office until December 31 of that year. The Vice-Chairman shall perform the duties of the Chairman during the absence or disability of the Chairman. The Vice-Chairman shall serve no more than two consecutive one-year terms.
4. In the absence or disability of the Chairman and Vice-Chairman, the member with the most seniority, alphabetically, shall preside as Temporary Chairman until the Chairman or Vice-Chairman is present or is elected.
5. Any vacancy in the office of Chairman or Vice-Chairman may be filled by a majority vote of the Commission members present at the next meeting after such vacancy has occurred.
6. The Director of Planning shall serve as Secretary to the Commission. In his absence, the Director of Planning shall designate a staff member to serve as Temporary Secretary. The Secretary or his designee, shall have the following duties:
 - A. Perform the duties specified in these By-Laws and those assigned by the Commission, Chairman or Board.
 - B. Attend all Commission meetings and ensure that minutes are taken.
 - C. Maintain all official books, papers, maps and records of the Commission and conduct all official correspondence of the Commission.

- D. Notify the Vice-Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman will not attend a future Commission meeting.
- E. Notify the Temporary Chairman, by telephone or in person, as soon as possible after the Secretary is informed that the Chairman and Vice-Chairman will not attend a future meeting.
- F. Ensure that notices of all Commission meetings and availability of all materials provided the Commission members occurs in accordance with State law.
- G. Notify all applicants of the final action of the Commission on tentative subdivision plans, schematic plans, site plans, development standard waivers, appeals or any other item on which the Commission has final authority.
- H. Forward applications to amend, supplement or change the district boundaries or regulations of the zoning ordinance to the Commission with recommendations, if any.
- I. Forward Commission recommendations to the Board. If the Commission's vote is split, or if the Commission's recommendation differs from staff's recommendation both positions shall be explained.

ARTICLE IV

Committees

- 1. Committees shall be established by majority vote of the Commission as deemed necessary.
- 2. Each committee shall consist of no fewer than two (2) people and no fewer than one (1) member of the Commission.
- 3. Subcommittees of committees shall be appointed by majority vote of any committee.
- 4. Committee and subcommittee meetings shall be open to the public. Notice of such meetings shall be made in accordance with the Virginia Freedom of Information Act. At least one copy of all agenda packets and, unless exempt, all materials furnished to members of a committee shall be made available for public inspection at the same time such documents are furnished to the members of the committee.
- 5. The members of committees (including subcommittees) shall serve for the duration of the committee unless a reassignment is made of a committee member by a majority vote of the Commission or a committee member resigns with written notice to the Secretary. Any vacancy in committees shall be filled by a majority vote of the Commission.

ARTICLE V

A. Meetings

1. Annual Meeting

The annual meeting of the Commission shall be held in January of each year. The business of the meeting shall include election of officers. The annual meeting may be held on, but is not required to be held on a regular meeting date. In the year following a Board election, the Director of Planning shall schedule the annual meeting of the Commission and preside at the meeting until the election of the chairman.

2. Regular Meetings

On regular meeting dates, the Commission shall hold public hearings to consider subdivision, schematic, site plan and development standard waiver requests, amendments to the comprehensive plan, substantial accord requests, zoning, conditional use, ordinance amendments and historic designation requests. In addition, the Commission may have a work session to discuss the business of the Commission and other matters which may come before it. New cases will not be called after 11:00 p.m. without a unanimous vote of the Commission members present.

In the event more than one regular meeting date is scheduled in any month, the required public notice shall establish the later date as a date to consider any items that cannot be disposed of on the first meeting date of that month. The meeting will be held in the Board of Supervisors' Public Meeting Room at the County Administration Building or at a place and time designated by the Commission.

When a matter is set for a public hearing pursuant to required advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the matter is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may proceed to dispose of the application or defer it to another meeting provided the law allows the Commission to defer the case on their own motion.

An application may be withdrawn by the applicant at any time prior to the Commission acting on the application. The Commission shall acknowledge the withdrawal.

All persons who speak at the hearing shall furnish their names to the Commission and become parties of record. A speaker shall only speak once on any item unless the Commission asks the speaker to address questions.

No person may address the Commission unless they have first been recognized by the Chairman. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience.

Presentations by the applicant (including all representatives of the applicant) are limited to 10 minutes. Presentations by individuals are limited to 3 minutes and presentations by representatives of groups are limited to 5 minutes. The applicant's rebuttal time is limited to 5 minutes in addition to any time reserved by the applicant from his original 10-minute presentation. At the discretion of the Chairman, staff shall be

permitted an opportunity to respond to the presentations. The time used to respond to questions from the Commission will be excluded from the presentation time limits. Specified time limits may vary at the discretion of the Commission Chairman.

A deputy sheriff or Virginia law enforcement officer may serve as Sergeant at Arms.

3. Special Meetings

Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary or by a majority vote of the Commission. At least five (5) days in advance of a special meeting, the Secretary shall mail to all members a written notice specifying the time, date, place, and purpose of the meeting.

Written notice to individual Commissioners of a special meeting is not required if the time of the special meeting has been fixed at an annual, special or regular meeting of the Commission, or if all members file a written waiver of notice, or if all members are present at the special meeting.

4. Meeting Dates

At the Commission's regular November meeting, except in Board of Supervisors election years, "regular meeting dates" for the next calendar year shall be scheduled. There shall be at least one (1) regular meeting date each month. In the year following a Board election, the regular meeting dates for the calendar year shall be scheduled at the annual meeting and there shall be at least one (1) regular meeting date each month.

B. Rescheduling Meetings

1. The Chairman may cancel any meeting because of inclement weather and reschedule any such canceled meeting upon proper advertisement and notification.
2. The Commission may adjourn any meeting to any date and time that the Commission may set if required advertising and notification provisions are met. Provided, however, that a meeting that continues after midnight may be adjourned to a time on that same day without readvertisement and notification. The motion of adjournment shall state the hour at which the adjourned meeting is to be reconvened.

C. Minutes of Meetings

1. The Commission may correct approved minutes only upon a clear showing that a clerical or administrative mistake was made.
2. Copies of draft, unapproved minutes shall be sent to Commissioners for approval. Draft minutes shall contain a disclaimer on each page which clearly indicates that it is a draft document.

D. Quorum

A quorum of the Commission shall consist of three (3) of the five (5) members of the Commission. A quorum must be present at all meetings to transact any official business and, unless otherwise required by law or these By-Laws, no action of the Commission is valid unless authorized by a majority vote of those present and voting. An abstention, although not a vote in favor or against the motion, shall be counted as a vote for the purpose of determining a quorum. Provided, however, if a Commissioner is disqualified in accordance with the State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 et seq., and this results in less than the number required by law to act, the remaining member or members shall have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

If a quorum is not present at any meeting, items on the agenda requiring action shall be moved to the agenda of the next regular meeting of the Commission or to the agenda of a special meeting of the Commission, if one is called for that purpose.

E. Motions

When a motion is under debate, no additional motions may be made except a motion to withdraw, defer, substitute, or to amend. If the maker of a motion and the member seconding the motion agree, a motion may be amended or withdrawn. Such motions shall take precedence in the order listed above. Only one substitute motion shall be in order for a principal motion. All motions to defer an item shall be to a date certain.

A tie vote on any motion means the defeat of the motion for a lack of a majority vote. When a tie vote occurs and no other motion is passed on the item, the item shall (i) be carried over to the next regularly scheduled meeting or (ii) to a time, date and place specified by a majority vote of the Commission, or (iii) disposed of as required by law. If the item cannot be carried over due to a statutory time limit, and the item requires Board action, the item will be forwarded to the Board with a report of the tie vote.

Any vote by a member of the Commission is final once cast. Commission decisions are final once made. No ordinance, resolution or motion previously voted on by the Commission shall be brought forward for reconsideration during the same meeting of the Commission.

F. Order of Agenda for a Regular Meeting

To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as follows, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda. The Chairman may allow any agenda item to be called out of sequence.

A. Call to Order

B. Requests to postpone action, additions or changes in the order of presentation.

C. Work Session (if applicable) including confirmation of administrative substantial accords, if any. Determination of cases to be assigned to the Commission's regularly scheduled Thursday agenda for the following meeting.

D. Afternoon Session:

- 1) Distribution of Agenda, Request Analyses and Recommendations, and other information to the general public.
- 2) Requests to postpone action, emergency additions or changes in the order of presentation.
- 3) Review meeting procedures.
- 4) Approval of minutes, if applicable.
- 5) Consideration of Subdivision, Schematic, Site Plan and Development Standard Waiver requests in the following order. Provided, however, that the Planning Department may schedule such requests for the evening session if there is an associated zoning, conditional use or substantial accord request scheduled for the evening session.
 - a) Withdrawals/deferrals
 - b) Cases where the applicant accepts the recommendation and there is no opposition
 - c) Cases where the applicant does not accept the recommendation and/or there is public opposition.

No tentative subdivision, site or schematic plan or development standard waiver shall be considered by the Commission until the required zoning exists on the subject property. The Commission may waive this policy provided the following conditions have been met:

- (i) A request for the necessary rezoning of the property has been heard and recommended for approval by the Commission;
- (ii) The application conforms to the zoning recommended by the Commission.
- (iii) Approval of the application is conditioned on Board approval of the zoning recommended by the Commission.

If the above conditions have not been met, the Commission shall deny, defer or accept a request to withdraw the application. The Commission retains the right to defer consideration of any development standard waiver, subdivision plat, site plan or schematic plan if, in their judgment, it is desirable to first have the

underlying zoning determined and the law allows the Commission to defer the case on their own motion.

- E. Field Trip (if applicable).
- F. Dinner.
- G. Evening Session:
 - 1) Distribution of Agenda, and "Request Analyses and Recommendations" and other information to the general public.
 - 2) Invocation. Any invocation shall be non-sectarian and given by a member of the Commission for the benefit of the members of the Commission.
 - 3) Pledge of Allegiance to the Flag of the United States of America.
 - 4) Review agenda for upcoming months.
 - 5) Requests to postpone action, additions or changes in the order of presentation (by majority vote).
 - 6) Review meeting procedures.
 - 7) Joint Public Hearing with the Preservation Committee (if applicable).
 - 8) Fifteen minute citizen comment period on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use issues.
 - 9) Each citizen comment period shall be limited to 15 minutes and each speaker may not exceed 3 minutes. Citizens may only speak once per meeting during the citizen comment periods. No citizen shall speak on any matter of business that is a subject on the Commission's agenda for that day. Citizens may not yield time to other speakers.
 - 10) Consideration of Zonings, Conditional Uses, Substantial Accords for which a public hearing is required, Comprehensive Plan amendments and other public hearings in the following order:
 - a) Withdrawals/deferrals.
 - b) Cases where the applicant accepts the recommendation and there is no opposition. If there is opposition, the case shall be moved to the beginning of the cases to be considered under d).
 - c) Comprehensive Plan amendments and other public hearings.

d) Cases where the applicant does not accept the recommendation and/or there is public opposition.

11) Other business.

12) Fifteen-minute citizen comment period on unscheduled matters involving the services, policies and affairs of the County government regarding planning or land use issues.

H. Adjournment to a designated place and time.

G. Order of Individual Items

The procedure for consideration of an individual item at any meeting shall be as follows, unless amended by majority vote:

- a. The Chairman or the Secretary shall call and describe the item.
- b. Comments and recommendations of the Planning staff (if necessary).
- c. Applicant's presentation (if necessary).
- d. Interested citizens' presentation in opposition/support (if necessary).
- e. Applicant's rebuttal (if necessary).
- f. Staff response (if necessary).
- g. Commission close of public hearing, discussion, questions, and action.

H. Rules of Order

The Commission's parliamentary procedures shall conform with law and with the historical practices of the Commission. Any questions involving interpretation or application of Robert's Rule shall be addressed to the County Attorney who shall be the designated Parliamentarian representing the Commission. To the extent necessary to address any ambiguities in procedure, the County Attorney may consider the most recent edition of Robert's Rules of Order, a Manual of General Parliamentary law for guidance.

I. Persons Appearing Before Commission

Persons appearing before the Commission will not be allowed to:

- (a) campaign for public office;
- (b) promote private business ventures;
- (c) use profanity or vulgar language;
- (d) address pending litigation; or

- (e) address matters not on the Commission's agenda

With the exception of the Citizen Comment Period, comments by persons appearing before the Commission shall be germane to the item pending for discussion by the Commission

J. Work Program

Annually, the Commission shall recommend to the Board a work program of major projects (i.e., plan amendments and major ordinance amendments) having priorities for the ensuing year.

ARTICLE VI

Amendment and Suspension of By-Laws

With the exception of statutory requirements, the Commission may suspend the application of any of its By-Laws by a unanimous vote of all the members present at the time.

These By-Laws may be amended by a majority vote at any meeting of the Commission after not less than twenty-four (24) hours notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice.

Adopted: 7-22-80
Revised: 10-28-80
Revised: 5-24-83
Revised: 12-21-83
Revised: 11-20-84
Revised: 4-19-88
Revised: 2-20-90
Revised: 4-20-93
Revised: 1-27-97
Revised: 4-15-97
Revised: 5-1-97
Revised: 10-17-00
Adopted 12/17/02
Revised: 11/16/06
Revised: 1/15/08

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

III. **ADOPTION OF PLANNING COMMISSION MEETING DATES FOR FEBRUARY 2008–JANUARY 2009.**

On motion of Mr. Bass, seconded by Dr. Brown, the Commission adopted following Planning Commission meeting dates for February 2008 through January 2009, to include the addition of a Special Work Session Meeting scheduled on January 29, 2008, at 9:00 a.m., in the Multipurpose Room of the Community Development Building:

February 19, 2008	September 16, 2008
**February 21, 2008	**September 18, 2008
March 18, 2008	October 21, 2008
**March 20, 2008	**October 23, 2008
April 15, 2008	November 18, 2008
**April 17, 2008	
May 20, 2008	December 16, 2008
**May 22, 2008	
June 17, 2008	January 20, 2009 (Annual Meeting)
**June 19, 2008	**January 22, 2009
July 15, 2008	
**July 17, 2008	
August 19, 2008	
**August 21, 2008	

****Dates for 2nd monthly meeting**, if backlog exists.

(PLEASE NOTE THE PLANNING COMMISSION WORK SESSION START TIMES WILL BE ESTABLISHED ON A MONTH-TO-MONTH BASIS, DEPENDING UPON ANTICIPATED WORK AND/OR CASE LOADS. THE PUBLIC MEETING/HEARING EVENING SESSION WILL BEGIN AT 6:30 P.M. WITH CONSIDERATION OF WITHDRAWAL, DEFERRAL AND CONSENT ITEMS BEING CONSIDERED FROM 6:30 P.M. TO 7:00 P.M. AND CODE AND/OR PLAN AMENDMENTS AND CONTESTED ZONING AND CONDITIONAL USE ITEMS BEGINNING AT 7:00 P.M.)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

WORK SESSION: Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield County VA.

I. **REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION AND DINNER LOCATION SELECTION.**

On motion of Mr. Bass, seconded by Dr. Brown, the Commission amended the agenda to add a new Item V., Planning Topics; and to add a new Item XII, Suspension of Planning Commission By-Laws to permit Dr.

Roy Fouts, Pastor, New Direction Ministries, to present the invocation at the 6:30 p.m. Evening Session; and reordered the agenda accordingly.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

- **DINNER LOCATION.**

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission resolved to meet at 5:00 p. m. for dinner at the Public Meeting Room (Executive Session Room).

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

II. PRESENTATION OF RESOLUTION OF RECOGNITION TO:

- ♦ **MR. DANIEL A. GECKER AS 2007 CHAIRMAN OF THE CHESTERFIELD COUNTY PLANNING COMMISSION.**

Mr. Gulley stated that, at this time, the Commission wished to recognize Mr. Daniel Gecker for his service as a member of the Chesterfield County Planning Commission.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission adopted the following resolution:

WHEREAS, Mr. Daniel A. Gecker represented the *Midlothian District* as a member of the *Chesterfield County Planning Commission* for eight years, serving as *Chairman* during *2003, 2004* and *2007*; and

WHEREAS, Mr. Gecker actively participated in the development of the Public Facilities Plan, a Plan to aid in providing County residents with adequate public facilities at the best locations when these are needed; and

WHEREAS, Mr. Gecker actively participated in the development of the Northern Courthouse Road Community Plan Amendment; and

WHEREAS, Mr. Gecker's support for citizen participation in the zoning and development process resulted in numerous citizen notification procedures, appeal rights and his personal commitment to meet and discuss issues of concern with County citizens; and

WHEREAS, Mr. Gecker lead procedural Planning Commission meeting changes which provided fair and open access for all citizens; and

WHEREAS, Mr. Gecker participated in numerous historic landmark designations such as Shirley Seminary, a 19th Century ladies boarding school; Dellwood, a 19th Century plantation home; and the Morrisette House, an early 20th Century Georgian Revival home in the Village of Midlothian; and

WHEREAS, Mr. Gecker actively participated in efforts to develop programs to protect Countywide water resources; and provided leadership and guided the Commission through the evaluation of

development proposals that benefit the economy, environment and development pattern of the County to the benefit of County citizens, such as Tarrington, a residential, commercial and recreational development on Robious Road; mixed use developments to include The Woodlands at Robious Road and Mall Drive and Wintervest at Midlothian Turnpike and Winterfield Road; the Robious Road Library; and numerous smaller commercial expansion and redevelopment projects along eastern Midlothian Turnpike contributing to the revitalization of this older commercial corridor. Equally important and memorable was his demonstration of sensitivity to both welfare of wildlife and community spirit through his support of the Bellona Arsenal exotic animal farm on Old Gun Road.

NOW, THEREFORE, BE IT RESOLVED, that the CHESTERFIELD COUNTY PLANNING COMMISSION, on this 15th DAY OF JANUARY 2008, does hereby recognize and applaud the conscientious efforts, commitment to excellence and distinguished service displayed by its 2007 Chairman, MR. DANIEL A. GECKER.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to MR. GECKER and that this resolution be permanently recorded among the papers of the PLANNING COMMISSION OF CHESTERFIELD COUNTY.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

Mr. Gulley presented the executed resolution and gavel plaque to Mr. Gecker. Members of the Commission expressed appreciation for Mr. Gecker's outstanding leadership, guidance and commitment as 2007 Chairman and recognized/applauded his conscientious efforts and commitment to excellence in his service to the County.

Mr. Gecker expressed appreciation for the opportunity to have served on the Planning Commission, noting his tenure with the Commission had been an enjoyable experience, that he had enjoyed the friendship and camaraderie of his fellow Commissioners, that he hoped his service to the County as a Commissioner had been successful and that he looked forward to his tenure with the Board of Supervisors.

III. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of February and March 2008.

IV. REVIEW DAY'S AGENDA.

Mr. Turner stated there were no 3:00 p. m. requests for review.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 6:30p. m. Public Meeting and Hearing.

Mr. Turner presented an overview of, and staff's recommendations for, a proposed Amendment to the *Upper Swift Creek Plan* relating to levels of service for transportation and schools, to be considered at the 7:00p. m. Public Meeting and Hearing.

Mr. Robinson presented an overview of, and staff's recommendations for, a proposed Code Amendment relating to the Responsibilities of the Planning Commission and Preservation Committee, to be considered at the 7:00p. m. Public Meeting and Hearing.

Mr. Tompkins presented an overview of, and staff's recommendations for, a proposed Code/Plan Amendment relating to the establishment of a Traditional Neighborhood Development Mixed Use Zoning District, to be considered at the 7:00p. m. Public Meeting and Hearing.

Mr. McElfish presented an overview of, and staff's recommendations for, proposed Code Amendments to the *Swift Creek Reservoir Watershed Master Plan* relating to the decrease of impervious and increase of pervious areas, to be considered at the 7:00p. m. Public Meeting and Hearing.

V. WORK PROGRAM.

Mr. Larson presented a line-by-line description of staff recommended modifications to projects outlined on the Work Program, explaining that the concepts of the various items were anticipated to be incorporated into the proposed County-wide Comprehensive Plan or that the items had had no substantive action by the previous Commission.

Mr. Gulley also suggested removal of the Residential (R-5) Zoning Classification and incorporation of that concept into the proposed County-wide Comprehensive Plan proposal.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to adopt the February 2008 Work Program, as amended.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

Mr. Turner noted that the Board of Supervisors, at their January 9, 2008, meeting, remanded the *Upper Swift Creek Plan Amendment* to the Planning Commission for reconsideration, noting the Board directed the Commission to revisit the *Upper Swift Creek Plan* and to bring forward, in a timely fashion for review and consideration, amendments related to water quality, levels of service (roads, schools and public safety), land use, and economic development for the purpose of direction to the Planning Commission and the Board for any zoning proposals to be considered prior to the adoption of a new County-wide Comprehensive Plan. He further noted the item would be added to the updated version of the Commission's Work Program; indicated that meetings with the Clover Hill and Matoaca District supervisors were anticipated to further define and develop the scope of the initiative; and that the information gathered from the meetings would be provided to the Commission.

The Commission recessed at 3:53 p. m. and reconvened at 4:07 p. m.

VI. PLANNING TOPICS.

Mr. Larson presented a "big picture" overview of the County Comprehensive Plan, after which there was a discussion period. He noted this item was the first in a series of discussions proposed for the Commission's work sessions, which discussions would focus on the basic elements that comprise a Comprehensive Plan and the comprehensive planning authority regulated by Virginia statute. In addition,

he distributed copies of the City of Chesapeake, Virginia's Comprehensive Plan, which he felt the Commission would find informational.

Mr. Turner stated district meetings, to be attended by the District Board/Planning Commission/School Board members, staff and interested persons, were planned to ascertain and refine the scope of the initiative and to develop a Request for Purchase (RFP) to have a consultant on-board by mid-summer to fall 2008 to begin the process.

VII. APPROVAL OF PLANNING COMMISSION MINUTES:

- **NOVEMBER 20, 2007 JOINT PLANNING COMMISSION AND PRESERVATION COMMITTEE MEETING MINUTES.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission deferred consideration of the November 20, 2007, Joint Planning Commission and Preservation Committee meeting minutes to the February 19, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

- **NOVEMBER 20, 2007, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission deferred consideration of the November 20, 2007, Planning Commission regularly scheduled meeting minutes to February 19, 2008.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

- **DECEMBER 18, 2007, PLANNING COMMISSION AND PRESERVATION COMMITTEE MEETING MINUTES.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission deferred consideration of the December 18, 2007, Joint Planning Commission and Preservation Committee meeting minutes to the February 19, 2008, Planning Commission meeting.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

- **DECEMBER 18, 2007, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.**

On motion of Dr. Brown, seconded by Mr. Bass, the Commission deferred consideration of the December 18, 2007, Planning Commission regularly scheduled meeting minutes to February 19, 2008.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

VIII. APPOINTMENT OF COMMITTEES.

On motion of Mr. Gulley, seconded by Mr. Hassen, the Commission disbanded all existing Planning Commission-appointed committees, which included the Neo-Traditional Zoning District, Outdoor Advertising and Work Force Housing committees.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

IX. RESIDENTIAL (R-5) ZONING CLASSIFICATION. (DEFERRED FROM PREVIOUS MEETING).

There was no discussion, at this time, regarding the Residential (R-5) Zoning Classification, as the concept of the item was anticipated to be incorporated into the proposed County-wide Comprehensive Plan.

X. PROPOSED CODE AMENDMENT RELATIVE TO VEHICLE PARKING IN FRONT YARDS IN RESIDENTIAL DISTRICTS.

There was discussion relative to deferral of the proposed Code Amendment relative to vehicle parking in front yards in residential districts until completion of the proposed County-wide Comprehensive Plan.

Mr. Gulley requested that staff review other jurisdictional practices/regulations as they pertained to this type of circumstance, particularly Charlotte, NC, for future discussion.

On motion of Mr. Bass, seconded by Mr. Hassen, the Commission tabled further discussion of the proposed Code Amendment relative to vehicle parking in front yards in residential districts until the April 15, 2008, Planning Commission Work Session.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XI. PROPOSED CODE AMENDMENT PERTAINING TO UNMANNED MOTOR VEHICLE FUELING STATIONS IN INDUSTRIAL ZONING DISTRICTS.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission set the date of, and requested staff take the necessary steps to advertise, February 19, 2008, at 7:00 p. m., in the Public Meeting Room of the Chesterfield Administration Building, for a public hearing to consider a proposed Code Amendment pertaining to unmanned motor vehicle fueling stations in industrial zoning districts.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XII. PROPOSED CODE AMENDMENT PERTAINING TO WATER DEPENDENT RECREATIONAL FACILITIES IN THE R-88 ZONING DISTRICT.

Mr. Turner stated there was no information available at this time regarding a proposed Code Amendment pertaining to water-dependent recreational facilities in the R-88 zoning district, noting staff would bring the item forward at a future date.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XIII. SUSPENSION OF PLANNING COMMISSION BY-LAWS TO PERMIT DR. ROY FOOTS, PASTOR, NEW DIRECTION MINISTRIES, TO PRESENT THE INVOCATION AT THE 6:30 P.M. EVENING SESSION.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission suspended their By-Laws to permit Dr. Roy Foots, Pastor of the New Direction Ministries, to present the invocation at the 6:30 p. m. Planning Commission Public Meeting/Hearing Evening Session.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

XIV. RECESS.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Hassen, that the Commission adjourned the Work Session at 4:57 p. m., agreeing to meet in the Public Meeting Room (Executive Session Room) at the Administration Building Complex at 5:00 p. m. for dinner.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

6:30 P. M. EVENING SESSION

Mr. Gulley, Chairman, called the Evening Session to order at 6:30 p. m. in the Public Meeting Room of the Chesterfield County Government Center Complex, introduced new Commission members and welcomed those present.

I. INVOCATION.

Dr. Roy Foots, Pastor of the New Direction Ministries, presented the invocation.

II. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

**III. PRESENTATION OF RESOLUTION OF RECOGNITION TO:
♦ JACK R. WILSON, III, FOR HIS YEARS OF SERVICE ON THE PLANNING COMMISSION.**

Mr. Gulley stated that, at this time, the Commission wished to recognize Mr. Jack R. Wilson, III, for his service as a member of the Chesterfield County Planning Commission.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission adopted the following resolution:

WHEREAS, Mr. Jack R. Wilson, III represented the ***Bermuda District*** as a member of the ***Chesterfield County Planning Commission*** for four years, serving as ***Chairman*** during ***2006***; and

WHEREAS, Mr. Wilson actively participated in the development and adoption of the ***Chester Plan***, a plan to guide future development in and around Chester in ways to provide balanced benefits to the community, property owners and current and future area citizens; and chaired the Planning Commission's Neo-Traditional Zoning District Committee, which resulted in a draft ordinance intended to encourage new urbanism design standards in the County; and

WHEREAS, Mr. Wilson's support for citizen participation in the zoning and development process resulted in numerous citizen notification procedures, appeal rights and his personal commitment to meet and discuss issues of concern to County citizens; and

WHEREAS, Mr. Wilson participated in procedural Planning Commission meeting changes which provided fair and open access for all citizens; and

WHEREAS, Mr. Wilson participated in numerous County historic landmark designations such as the Home Economics Cottage, an early 20th Century Prairie-style structure in the Village of Chester, Point of Rocks House, an early 19th Century residence, and Miss Minor's Female Academy, a Craftsman-style structure that was one of the earliest educational facilities in the Village of Chester; and

WHEREAS, Mr. Wilson participated in efforts to develop programs to protect Countywide water resources; and provided leadership and guided the Commission through the evaluation of development proposals that benefit the economy, environment and development pattern of the County to benefit of County citizens, such as Breckenridge Associates, LLC, allowing the redevelopment of space within the Breckenridge Shopping Center to accommodate the Kroger grocery store, promoting revitalization of the Jefferson Davis Corridor; Bellwood Road, LLC, allowing the Jefferson Davis Enterprise Center to relocate to a much more positive location and that provides much greater opportunities for start-up businesses in the County; Westchester Forest, the expansion of Winchester Green, an element of revitalization in the Jefferson David Highway Corridor; and the Substantial Accord Determination to allow the construction of new elementary and middle schools for the eastern part of the County.

NOW, THEREFORE, BE IT RESOLVED, that the CHESTERFIELD COUNTY PLANNING COMMISSION, on this 15th DAY OF JANUARY 2008, does hereby recognize and applaud the conscientious efforts, commitment to excellence and distinguished service displayed by MR. JACK R. WILSON, III.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to MR. WILSON and that this resolution be permanently recorded among the papers of the PLANNING COMMISSION OF CHESTERFIELD COUNTY.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

Mr. Gulley presented the executed resolution to Mr. Wilson and expressed appreciation for and applauded his outstanding leadership, guidance, conscientious efforts and commitment to excellence in his service to the County as a member of the Planning Commission.

Mr. Wilson expressed appreciation for the opportunity to have served on the Planning Commission, noting his tenure with the Commission had been an enjoyable experience, that he had enjoyed the friendship and camaraderie of his fellow Commissioners, and that he hoped his service to the County had been successful.

♦ **SHERMAN W. LITTON FOR HIS YEARS OF SERVICE ON THE PLANNING COMMISSION.**

Mr. Litton was not present to receive his resolution; therefore, the Commission reordered the item to the end of the agenda.

IV. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty-one (21) cases scheduled on the February 19, 2008, agenda; fifteen (15) cases scheduled on the March 18, 2008, agenda; and, at this time, no cases scheduled on the April 15, 2008, agenda.

V. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission reordered the Code Amendment relating to the Swift Creek Reservoir Watershed Master Plan to decrease impervious and increase pervious areas to the end of the agenda.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

VI. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures for rezonings, conditional uses and code/plan amendments.

VII. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. Brennen Keene, a member of the Chester Presbyterian Church, addressed concerns relative to church steeples and asked the Commission to consider an Ordinance Amendment to revise height restrictions of church steeples in residential and residential-townhouse districts.

Mr. William Shewmake, a Midlothian District resident, congratulated new and returning members on their appointment and wished them well in their tenure on the Commission.

VIII. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

03SN0203: In Bermuda Magisterial District, **ROLLING RIDGE LLC** requested deferral to March 18, 2008, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a

Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway. Tax IDs 797-661-5231 and 798-661-2276.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 03SN0203 to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

Mr. Gulley opened the discussion for public comment.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to defer Case 03SN0203 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0323: In Dale Magisterial District, **RICHMOND 20 MHZ LLC** requested deferral to February 19, 2008, for consideration of Conditional Use and amendment of zoning district map to permit a communications tower in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 1.2 acres lying approximately 230 feet off the southeastern terminus of Cotfield Road, south of Pano Road. Tax ID 781-676-Part of 7315.

Mr. Brennen Keene, the applicant's representative, requested deferral of Case 07SN0323 to the February 19, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to defer Case 07SN0323 to the February 19, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0341: In Bermuda Magisterial District, **ACQUISITIONS PLUS LLC** requested deferral to February 19, 2008, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5-4 units per acre. This request lies on 16.9 acres fronting approximately 920 feet on the north and south lines of Gayland Avenue approximately 600 feet east of Jefferson Davis Highway.

Tax IDs 792-678-1855, 2312, 2756, 3614, 3859, 4762, 5018, 5765, 6322, 6667, 7626, 7770, 8673 and 9532; and 793-678-0077.

Ms. Kristen Keatley, the applicant's representative, requested deferral of Case 07SN0341 to the February 19, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Hassen, seconded by Dr. Brown, the Commission resolved to defer Case 07SN0341 to the February 19, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0105: In Clover Hill Magisterial District, **STYLECRAFT HOMES DEVELOPMENT CORP.** requested deferral to March 18, 2008, for consideration of rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Community Business (C-3) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses on 15.5 acres plus Conditional Use Planned Development to permit exceptions to Ordinance requirements on the entire 20.6 acres. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and light industrial uses. This request fronts approximately 740 feet on the south line of Midlothian Turnpike approximately 150 feet west of Tuxford Road. Tax ID 751-706-3789.

Mr. Larry Horton, the applicant's representative, requested deferral of Case 08SN0105 to the March 18, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Waller, the Commission resolved to defer Case 08SN0105 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0106: In Midlothian Magisterial District, **HAMID M. GHORASHI AND DIANNA M. WATERS** requested deferral to March 18, 2008, for consideration of rezoning and amendment of zoning district map from Residential (R-7) to Convenience Business (C-1) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendments will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village fringe area uses. This request lies on 1.3 acres fronting approximately 80 feet on the north line of Midlothian Turnpike approximately 360 feet west of Village Mill Drive. Tax ID 727-708-7371.

Mr. Hamid Ghorashi, one of the applicants, requested deferral of Case 08SN0106 to the March 18, 2008, Planning Commission public hearing.

Mr. Craig Scott, representing the Village of Midlothian Volunteer Coalition, supported the deferral.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by Mr. Hassen, the Commission resolved to defer Case 08SN0106 to the March 18, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

08SN0148: In Midlothian Magisterial District, **CALVARY GOSPEL CHURCH** requested Conditional Use and amendment of zoning district map to permit a child care facility and private school in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial/light industrial and residential use of 4 units per acre or less. This request lies on 3.1 acres known as 2200 Pickens Road. Tax ID 768-698-6153.

Mr. Joe Forbish, the applicant's representative, accepted deferral of Case 08SN0148 by Mr. Waller to the February 19, 2008, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Waller's request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission, on their own motion, resolved to defer Case 08SN0148 to the February 19, 2008, Planning Commission public hearing.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

08SN0159: In Dale Magisterial District, **DOUGLAS AND SUSAN SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 4.2 acres fronting on the southern terminus of Stockport Place and the western terminus of Hereld Green Drive. Tax ID 748-674-3597.

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 08SN0159 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 748-674-3597-00000 (the "Property") under consideration will be developed according to the attached Textual Statement and the following conditions if, and only if, the rezoning requests for R-12 as set forth in the above heading and the application filed herein is granted. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved erosion devices have been installed. (EE)
2. Utilities. Public water and wastewater shall be used. (U)
3. Cash Proffer. The applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each dwelling unit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit prorated as set forth above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.
 - c. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than the improvements identified in proffered condition 4 as set forth below, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall

include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B and M)
4. Density. The total number of residential dwelling units on the Property shall not exceed 2.0 dwelling units per acre. (P)
5. An overall drainage plan for the proposed lots will be submitted to and approved by the Department of Environmental Engineer prior to recordation of the lots. (EE)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0168: In Clover Hill Magisterial District, **RICHMOND 20 MHZ LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in a Corporate Office (O-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 8.0 acres lying in the northwest quadrant of Arboretum Parkway and Arboretum Place. Tax ID 753-704-9059.

Mr. Brennen Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 08SN0168, subject to the following conditions:

CONDITIONS

1. The flagpole/tower shall be located as generally depicted on the plans and elevations prepared by Clough Harbour & Associates LLP, titled NTELOS I.D: RMB-0041 Arboretum and identified as Exhibits A and B in the "Request Analysis and Recommendation". (P)
2. The color, design and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall be designed and erected as a flagpole atop the existing building and shall not exceed an elevation of 105 feet above ground level.
 - c. The tower shall not be lighted. (P)

3. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08PD0221: In Midlothian Magisterial District, **ALLTEL COMMUNICATIONS, INC.** requested Substantial Accord Determination and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for passive recreation/conservation and village fringe area uses. This request lies on 43.6 acres fronting approximately 1,750 feet on the east line of North Woolridge Road approximately 470 feet south of Walton Park Road. Tax ID 731-704-5127.

The applicant's representative accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission found Case 08PD0221 for a proposed public facility (communications tower) to be in Substantial Accord with the Comprehensive Plan, subject to the following condition:

CONDITION

Any building or mechanical equipment shall comply with Village District development standards relative to architectural treatment, and screening of mechanical equipment. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0282: (Amended) In Midlothian Magisterial District, **LUCAS PROPERTIES, LLC** requested rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15). Residential use of 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres fronting approximately 670 feet on the southwest line of Robious Road approximately 120 feet west of Corner Rock Road, also fronting approximately 600 feet on the west line of Corner Rock Road approximately 240 feet south of Robious Road. Tax IDs 734-717-9054 and 735-717-1268, 1405 and 2943.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

There was opposition present; therefore, the consensus of the Commission to place Case 07SN0282 with those cases requiring discussion.

07SN0357: In Midlothian Magisterial District, **HOWARD AND DIANE CANADA** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) of 6.8 acres plus proffered conditions on an existing zoned Residential (R-12) 0.5 acre tract. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 7.3 acres

fronting approximately 690 feet on the north line of Old Buckingham Road approximately 200 feet east of Unison Drive and located at the eastern terminus of Little Pond Lane. Tax IDs 734-710-6379, 7448 and 7726; and 735-710-0037.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Waller, seconded by Dr. Brown, the Commission resolved to recommend approval of Case 07SN0357 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Utilities. Public water and wastewater shall be used. (U)
2. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements within the service district for the property:
 - A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007; or
 - B. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1, of the fiscal year in which the payment is made.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - D. Should any impact fees be imposed by Chesterfield County at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
3. Density. The maximum density of this development shall not exceed sixteen (16) lots. (P)
4. Sole Access. Any lots having sole access through Old Buckingham Forest Subdivision shall have an average lot size of 15,600 square feet and shall not exceed a density of 2.8 units per acre. (P)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

6. Drainage.
 - A. The developer shall design and construct the subdivision such that no water from impervious surfaces shall sheet flow onto Old Buckingham Forest Subdivision.
 - B. The existing channel located on Tax ID 734-710-7726 shall be relocated and/or redesigned such that the outfall location will align directly with the existing drainage ditch/outfall pipe located parallel to the front line of TAX ID 734-709-4390. (EE)
7. Dam Failure. A dam failure analysis shall be performed on the upstream dam and all proposed homes shall be constructed outside the dam failure limits. (EE)
8. Access. No public road access shall be provided from the property to Old Buckingham Road. (T)
9. Dedication. In conjunction with recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way along the north side of Old Buckingham Road, measured from the centerlines of that part of Old Buckingham immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
10. Road Improvements. In conjunction with initial development of the property, the developer shall provide the following road improvements:
 - A. Widening/improving the north side of Old Buckingham Road to an eleven (11) foot wide travel lane, measured from the existing centerline of Old Buckingham Road, with an additional three (3) foot wide paved shoulder plus an eight (8) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage;
 - B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in this Proffered Condition 10, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
11. Foundations. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)

12. Minimum House Size. The minimum gross floor area shall be 1800 square feet. (BI & P)
13. Tree Preservation. A minimum fifteen (15) foot tree preservation strip, inclusive of required yards, shall be maintained along the boundary of the subject property adjacent to Old Buckingham Forest and Olde Coach Village Subdivisions. Utility easements shall be permitted to cross this strip generally in a perpendicular fashion. Any healthy trees that are eight (8) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the permitted improvements. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. Any open areas of 100 square feet or greater shall either be supplemented with plantings in accordance with Sections 19-518 (b) & (g)(9) of the Ordinance or furnished with a minimum six (6) foot high privacy fence. A plan depicting this planting/fencing requirement shall be reviewed and approved by the Planning Department at time of Tentative Subdivision plan review. (P)
14. A minimum lot size of one (1) acre shall be provided for the existing house on Tax ID 734-710-7726. (P)
15. Restrictive Covenants. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

Architectural Board – The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on any lot. It shall prepare shall promulgate design and development guidelines and application and review procedures, all as part of the design and environmental standards. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Architectural Board shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall consist of three (3) members, all appointed by the Declarant. The declarant may, at his option, delegate to the Board his right to appoint one or more members of the Architectural Board.

Tree Preservation – To the extent practical all lots shall be left in a wooded manner. Any proposed tree removal shall be shown on a plan to be reviewed and approved by the Architectural Board. The tree preservation shall be subject and subordinate to the terms of any utility or drainage easements which may be granted by the Declarant or its successors to the County of Chesterfield.

Mailboxes – Every improved lot shall be required to have a mailbox with supporting post and post light of design and installation as specified in the standards. Each lot owner shall be responsible for the maintenance and operation of the fixture, support, and mailbox.

Parking – Each property owner shall provide space for the parking of automobiles off public streets prior to the occupancy of any building or structure constructed on said property in accordance with the standards.

Signs – No signs shall be erected or maintained on any property by anyone including, but not limited to, the owner, a realtor, a contractor, or a subcontractor, except as provided for in the standards or except as may be required by legal proceedings. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be erected without the written permission of the Declarant or the Association.

Condition of Ground – It shall be the responsibility of each property owner and tenant to prevent the development of any unclean, unsightly, or unkempt conditions of buildings or grounds on such property, which shall tend to substantially decrease the beauty of the neighborhood as a whole or the specific area.

Minimum Square Footage – No plan required under these Covenants will be approved unless the proposed house or structure has a minimum square footage of enclosed dwelling space as specified in the standards. Such minimum requirement for each lot will be specified in each sales contract and stipulated in each deed. The term “enclosed dwelling area” as used in these minimum size requirements does not include garages, terraces, decks, open porches, and the like areas.

Residential Use –

a. All lots shall be used for residential purposes exclusively. The use of a portion of a dwelling on a lot as an office by the owner or tenants thereof shall be considered a residential use if such use does not create customer or client traffic to and from the lot. No structure, except as herein after provided, shall be erected, altered, placed, or permitted to remain on any lot other than one (1) detached single family dwelling and one (1) accessory building which may include a detached private garage, provided the use of such accessory building does not overcrowd the site and provided further that such building is not used for any activity normally conducted as business. Such accessory building may not be constructed prior to the construction of the main building.

b. A guest suite or like facility without a kitchen may be included as part of the main dwelling or accessory building, but such suite may not be rented or leased except as part of the entire premises including the main dwelling and provided, however, that such suite would not result in overcrowding of the site.

c. The provisions of this paragraph shall not prohibit the Developer from using a house as a model as provided in this Declaration.

Exterior Structure Completion – The exterior of all houses and other structures must be completed within one (1) year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to the strikes, fires, national emergency, or natural calamities. Houses and

other dwelling structures may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction the owner of the lot shall require the contractor to maintain the lot in a reasonable clean and uncluttered condition.

Vehicle Storage – No mobile home, trailer, tent, barn, or other similar out-building or structure shall be placed on any lot at any time, either temporarily or permanently. Boats, boat trailers, campers, recreational vehicles, or utility trailers may be maintained on a lot, but only when in an enclosed or screened area approved by the Architectural Board such that they are not generally visible from adjacent properties.

Temporary Structures – No structure of a temporary character shall be placed upon any lot at any time provided, however, that this prohibition shall not apply to shelter or temporary structures used by the contractor during the construction of the main dwelling house, it being clearly understood that these latter temporary shelters may not at any time be used as residences or permitted to remain on the lot after completion of construction. The design and color of structures temporarily placed on the lot by a contractor shall be subject to reasonable aesthetic control by the Architectural Board.

Antennas – Except as otherwise provided by applicable law, no television antenna, radio receiver or sender, or other similar device shall be attached to or installed on the exterior portion of any building or structure or any lot, except as permitted by applicable law and except that should cable television services be unavailable and good television reception not be otherwise available, a lot owner may make written application to the Board for permission to install a television antenna and such permission shall not be unreasonably withheld.

Further Subdivision – No lot shall be subdivided or its boundary lines changed, except with the written consent of the Declarant. However, the Declarant hereby expressly reserves to itself, its successors, or assigns the right to replat any lot or lots owned by it and shown on the plat of any subdivision in order to create a modified building lot or a replatted lot suitable and fit as a building site including, but not limited to, the recreational facilities, and other amenities to conform to the new boundaries of said replatted lots, provided that no lot originally shown on a recorded plat is reduced to a size smaller than the smallest lot shown on the first plat of subdivision. However the interpretation of the paragraph shall not prohibit the combining of two (2) or more contiguous lots into one (1) larger lot, only the exterior boundary lines of the resulting larger lot shall be considered in the interpretation of these covenants.

Animals – Only common household pet animals shall be permitted. All pet animals must be secured by a leash or lead, or be under the control of a responsible person and obedient to that person's command at any time they are permitted outside a residence or other enclosed area upon a lot approved by the Architectural Board for the maintenance and confinement of pet animals. No livestock including cattle, horses, sheep, goats, pigs, or poultry shall be permitted upon any lot.

Motor Bikes All Terrain Vehicles – No motor bikes, motorcycles, or all terrain vehicles shall be driven upon the common area, lots, or roads (unless properly licensed on roads) with the exception of licensed vehicles and mopeds which shall be operated solely upon the public streets for direct ingress and egress purposes only.

External Lighting – No external lighting shall be installed or utilized on any property, which is of such character, intensity, or location as to interfere with the use, enjoyment, and privacy of any lot or owner in the near vicinity. No neon or flashing lights shall be permitted. All external lighting shall be approved by the Architectural Board as appropriate in size, location, color, and intensity.

Swimming Pools – No swimming pool, whether in ground or above ground, whether permanent or temporary, shall be installed upon any lot without the prior written consent of the Architectural Board. The Architectural Board shall require that all swimming pools be adequately screened.

Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.

Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs.

These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property. (P)

16. Stop Sign Installation. In conjunction with initial development of the property, the developer shall install multi-way stop signs at the Unison Drive/Sandbag Road intersection and at the Deerhurst Drive/Old Coalmine Road intersection, if approved by VDOT. (T)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

08SN0149: In Dale Magisterial District, **SHANNON E. FISHER** requested amendment to Conditional Use Planned Development (Case 87S133) and amendment of zoning district map to permit a commercial kennel (dog boarding) without outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies in a Corporate Office (O-2) District on 0.9 acre fronting

approximately 120 feet on the east line of Ridgedale Parkway approximately 550 feet northwest of Iron Bridge Road. Tax ID 776-687-8697.

Ms. Shannon Fisher, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Dr. Brown, seconded by Mr. Hassen, the Commission resolved to recommend approval of Case 08SN0149, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

In addition to those uses permitted by Case 87SN0133 within the Specialty Retail (SR) Tract, commercial kennels (dog boarding) without outside runs shall be permitted. Dog walking areas associated with commercial kennel (dog boarding) uses may be conducted outside of an enclosed building. (P)

(NOTE: These conditions are in addition to the Textual Statement, Item 8.5, of Case 87SN0133 relative to permitted uses in the SR Tract for the subject property.)

PROFFERED CONDITIONS

1. All HVAC venting shall be located on the north side of any building(s) located on the subject property so as to minimize visibility from Tax ID 776-687-7563. (P)
2. A solid white vinyl fence, a minimum of six (6) feet in height, along with evergreen trees and shrubs, shall be installed along the southern border of the subject property as depicted on the plan titled "The Taj Mapaw Layout Plan" dated January 14, 2008 and prepared by Balzer and Associates Inc. The specific plant materials shall be approved by the Planning Department at the time of site plan review. (P)
3. All areas associated with the walking of dogs shall be cleaned and made free of waste on a daily basis. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

◆ COMPREHENSIVE PLAN AND CODE AMENDMENTS.



PROPOSED AMENDMENT TO THE UPPER SWIFT CREEK PLAN RELATING TO LEVELS OF SERVICE FOR TRANSPORTATION AND SCHOOLS.

An amendment to the Upper Swift Creek ("USC") Plan amendment, part of The Plan For Chesterfield, relating to level of service standards for roads and public schools. The USC Plan amendment area generally is bounded to the north by properties along Midlothian Turnpike, County Line Road, Mount Hermon Road, Old Hundred Road, Otterdale Road, Charter Colony Parkway, Route 288 & Lucks Lane; to

the south by properties along Hull Street Road, Baldwin Creek Road, Beach Road, West Hensley Road, Spring Run Road & Bailey Bridge Road; to the east by properties along Route 288; and to the west by properties along Moseley Road, Genito Road and the Chesterfield County/Powhatan County boundary.

This amendment to the USC Plan amendment, if adopted by the Board of Supervisors, will become part of The Plan for Chesterfield, the County's comprehensive plan. The Plan for Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. The majority of the Plan area is contained within the Matoaca Magisterial District, with small portions of the Plan area located in the Clover Hill and Midlothian Magisterial Districts. The Plan does not rezone land, but suggests Ordinance amendments and other actions. This proposed amendment to the USC Plan amendment is an update and a refinement of the current adopted USC Plan amendment.

The proposed amendment relating to level of service standards for roads reads as follows:

All rezoning applications are expected to pass a test for Adequate Road Facilities. A proposed rezoning does not pass the test for Adequate Road Facilities if the nearest major road and/or existing signalized intersection that will carry the majority of the traffic expected to be generated by the future development on the property proposed to be rezoned will have a Level of Service ("LOS") of "E" or "F". The LOS shall be determined by the Chesterfield Department of Transportation or designee based on current traffic studies and other reliable traffic data. Further, a proposed rezoning will pass the test for Adequate Road Facilities only if roads to be impacted by the proposed development have adequate shoulders, or where roads with inadequate shoulders are carrying, or are projected to carry, less than 4,000 vehicles per day.

The proposed amendment relating to level of service standards for schools reads as follows:

School Goal: Provide adequate facilities to relieve overcrowding and to respond to new growth.
Recommendation

a. All residential rezoning applications are expected to pass the test for Adequate School Facilities. A proposed residential rezoning will pass the test for Adequate School Facilities if all public elementary, middle and high schools that would serve the future development on the property proposed for residential rezoning currently have adequate capacity to accommodate additional students to be generated by the proposed rezoning. Schools shall be responsible for determining 1) the current enrollment for each school; 2) the capacity of each school; and 3) the anticipated impact of the proposed development based on the maximum number and type of residential dwelling units or lots, including proffers for limited or delayed development.

b. If any of the applicable public schools which would serve the future residential development on the subject property exceed 120% of capacity at the time of the review of the subject rezoning request, the proposed rezoning does not pass the test for Adequate School Facilities. In addition, the proposed rezoning will not pass the test for Adequate School Facilities if the anticipated enrollment at any school to serve the subject rezoning will exceed 120% of capacity upon the development of 1) the property proposed for rezoning; and 2) all unimproved residential lots in the service area shown on approved preliminary site plans, preliminary subdivision plans and construction plans.

c. When the capacity of any public school in the service area is determined to exceed 120% under the conditions described above, and where such school is expected to be improved to less than 120% of capacity within one year of the date that the Board of Supervisors is scheduled to consider the subject rezoning request, the residential rezoning will pass the test for Adequate School Facilities.



The Commission stated an overview of the propose amendment to the Upper Swift Creek Plan Amendment relating to levels of service for transportation and schools was not necessary.

Mr. Gulley opened the discussion for public comment.

There was support for the proposal noting the *Upper Swift Creek Plan* Area was an intensely developed area with poor road networks and needed the level of service standards to better manage growth; and that the proposal would set a precedent for development throughout the remainder of the County.

There was opposition to the proposal, citing concerns that the proposal should be applied Countywide and not limited to only the *Upper Swift Creek Plan* area; and that the focus should be on accelerating efforts toward implementing a County-wide Comprehensive Plan and not a piecemeal plan that was rushed and did not have adequate community input.

There being no one else to speak, Mr. Gulley closed the public comment.

Upon conclusion of Commission discussion, it was on motion of Mr. Bass, seconded by Dr. Brown that the Commission resolved to recommend approval of an amendment to the *Upper Swift Creek Plan* to include levels of service for transportation and schools, as follows:

TRANSPORTATION:

All rezoning applications are expected to pass a test for Adequate Road Facilities. A proposed rezoning does not pass the test for Adequate Road Facilities if the nearest major road and/or existing signalized intersection that will carry the majority of the traffic expected to be generated by the future development on the property proposed to be rezoned will have a Level of Service ("LOS") of "E" or "F". The LOS shall be determined by the Chesterfield Department of Transportation or designee based on current traffic studies and other reliable traffic data. Further, a proposed rezoning will pass the test for Adequate Road Facilities only if roads to be impacted by the proposed development have adequate shoulders, or where roads with inadequate shoulders are carrying, or are projected to carry, less than 4,000 vehicles per day.

SCHOOLS:

School Goal: Provide adequate facilities to relieve overcrowding and to respond to new growth.
Recommendation

- a. All residential rezoning applications are expected to pass the test for Adequate School Facilities. A proposed residential rezoning will pass the test for Adequate School Facilities if all public elementary, middle and high schools that would serve the future development on the property proposed for residential rezoning currently have adequate capacity to accommodate

additional students to be generated by the proposed rezoning. Schools shall be responsible for determining 1) the current enrollment for each school; 2) the capacity of each school; and 3) the anticipated impact of the proposed development based on the maximum number and type of residential dwelling units or lots, including proffers for limited or delayed development.

b. If any of the applicable public schools which would serve the future residential development on the subject property exceed 120% of capacity at the time of the review of the subject rezoning request, the proposed rezoning does not pass the test for Adequate School Facilities. In addition, the proposed rezoning will not pass the test for Adequate School Facilities if the anticipated enrollment at any school to serve the subject rezoning will exceed 120% of capacity upon the development of 1) the property proposed for rezoning; and 2) all unimproved residential lots in the service area shown on approved preliminary site plans, preliminary subdivision plans and construction plans.

c. When the capacity of any public school in the service area is determined to exceed 120% under the conditions described above, and where such school is expected to be improved to less than 120% of capacity within one year of the date that the Board of Supervisors is scheduled to consider the subject rezoning request, the residential rezoning will pass the test for Adequate School Facilities.

AYES: Messrs. Gulley, Bass, Hassen and Brown.
NAY: Mr. Waller.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission requested that staff undertake an initiative to research and implement level of service standards County-wide.

AYES: Messrs. Gulley, Bass, Hassen and Waller.
ABSENT: Dr. Brown.

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PROPOSED CODE AMENDMENT RELATING TO RESPONSIBILITIES OF THE PLANNING COMMISSION AND PRESERVATION COMMITTEE.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-48 of the Zoning Ordinance relating to responsibilities of the Planning Commission and Preservation Committee. The proposed amendment would delete the current ordinance requirement that the Planning Commission and Preservation Committee hold a joint public hearing to review applications for designation of historical landmarks or landmark sites and allow the Planning Commission and Preservation Committee to hold separate public hearings on such applications.

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Mr. Haasch presented an overview of, and staff's recommendation for, the proposed Code Amendment relating to responsibilities of the Planning Commission and Preservation Committee.

Mr. Gulley opened the discussion for public comment.

Opposition to the proposal was voiced by the Vice Chairman of the Preservation Committee and he requested the Commission to defer action to allow members of the Preservation Committee to meet with the Commission to reach mutual agreement on the matter.

There being no one else to speak, Mr. Gulley closed the public comment.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-48 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-48. Responsibilities of the planning commission and preservation committee.

(a) Upon receipt of an application, the director of planning shall refer such application to the planning commission and the preservation committee for their respective review and reports.

(b) The planning commission and the preservation committee shall each hold a ~~joint~~ public hearing pursuant to section 19-26(a), (c), ~~and~~ (d) and (e) to review such application. The respective public hearings of the planning commission and the preservation committee shall be held on the same date and at the same location. The planning commission's public hearing shall immediately follow the public hearing of the preservation committee. Within 60 days after the public hearings ~~first joint hearing after the receipt of such proposal or application~~, the commission and committee shall forward their independent reports to the board of supervisors.

(c) In their reports, the planning commission and the preservation committee shall address the effect of the designation of the proposed district or building on the future development of the county and may address such other matters as they shall deem appropriate. The commission and committee shall recommend to the board of supervisors that the proposed district or landmark either be designated, be designated with altered boundaries or not be designated.

(d) An application to withdraw the creation of an historic district, or the designation of a landmark or landmark site, may be made when the original reason for the designation no longer exists. An application for withdrawal shall be processed in the same manner as an application for approval.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.



PROPOSED CODE AND COMPREHENSIVE PLAN AMENDMENT RELATIVE TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT MIXED USE (TND-MU) ZONING DISTRICT.

Amendments to the County's Comprehensive Plan and Zoning Ordinance that would establish a Traditional Neighborhood Development (TND) zoning district and which will provide standards for the TND district as well as a number of design standards that will be applicable County-wide. No

property will be rezoned by these amendments but, if adopted by the Board of Supervisors the TND district would be available to landowners and the County for possible future rezoning actions. The proposed amendments are described below:

Comprehensive Plan Amendment:

An amendment to the Introduction to the Plan For Chesterfield ("Plan"). The amendment would add the following language to the discussion of neighborhood development goals and policies:

Traditional neighborhood development (TND) provides opportunities for creating new mixed-use, pedestrian-oriented, activity centers containing a variety of uses, including, business, retail, residential, cultural, educational, and other public and private uses. Traditional neighborhood development encourages physical community building at the neighborhood scale, while providing a range of housing choice. TND districts may be appropriate, subject to Board of Supervisors approval, for areas with the following Comprehensive Plan land use designations: Community Mixed Use; Community Mixed Use Center; Community Mixed Use Node; Regional Mixed Use; Regional Mixed Use Center; and Regional Mixed Use Node.

If adopted by the Board of Supervisors, the amendment will become part of the Plan, the County's comprehensive plan. The Plan is used by citizens, staff, Planning Commission and the Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. The Plan does not rezone land, but suggests Ordinance amendments and other actions.

Zoning Ordinance Amendments:

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-41, 19-301, 19-508.3, 19-509, 19-510, 19-512, 19-518, 19-644, and 19-645 and adding Sections 19-200.1 through 19-200.11, 19-508.4, 19-509.1, and 19-514.1 relating to creation of the Traditional Neighborhood Development (TND) zoning district, and county-wide standards for off-street parking, parallel parking, tree planting within sidewalk areas, and signs projecting from buildings.

The amendments would add the TND district to the list of enumerated zoning districts. The purpose/intent of the TND district includes, among other things, (1) allowing development of mixed-use, pedestrian-oriented, activity centers; (2) incorporating publicly accessible community open space; (3) encouraging high quality development/redevelopment; (4) permitting compatible mix of uses; (5) increasing number of permitted principal and accessory uses in a single district; (6) and encouraging high quality redevelopment by permitting regulatory flexibility and innovative and creative design. Applicable design principles include: (1) compact development patterns; (2) human scale development; (3) mixing nonresidential and residential land uses; (4) providing a community center and focus; (5) promoting mix of housing types on varying lot sizes; (6) encouraging in-fill residential and/or nonresidential development and redevelopment; and (7) incorporating narrow, interconnected streets with sidewalks, bikeways, and transit.

The TND district would allow a number of uses, including among others, access to land in certain zoning districts; automobile self-service stations; bed and breakfast establishments; boarding houses; catering establishments; churches and other places of worship; clubs and lodges: civic, fraternal, non-profit, private, public, or social; cocktail lounges and nightclubs; colleges, public or private; communication antennas

integrated into the design of a permitted building; communication offices, studios, and stations; not including towers; conference centers; convenience store; dwellings: attached, detached, live/work, multiple-family, single-family, townhouse, two-family; fire stations and emergency rescue squads, buildings and grounds; fraternities (in conjunction with school or college); funeral homes; galleries, art; government buildings; group homes; hospitals and other medical facilities; hotels; laboratories: dental, medical, and optical; libraries, public or private; meal preparation and delivery services; messenger services; model homes; mortuaries; museums, public or private; offices: dental, general, medical, project management, temporary real estate; parking lots: commercial, non-commercial, park and ride; personal service establishments; post offices; public utility service buildings; recreational establishments, commercial-indoor; restaurants and cafes: carry-out, fast-food, or sit-down; retail, general; schools, public or private; schools, specialty; sororities (in conjunction with school or college); telephone exchanges; theaters (except drive-in theaters); utility uses located underground or not requiring a structure; and upon approval of the Director of Planning, other uses not specifically enumerated in this chapter that are of the same general character as specifically enumerated uses.

The TND district would allow a number of restricted uses, including among others, check cashing, incidental, subject to limitations of §19-145(h); Christmas tree sales, temporary, subject to limitations of §19-152(h); construction buildings/trailers, temporary, subject to limitations of §19-131(e); group care facilities, provided that facilities in excess of 10,000 sq. feet be limited to the Community Center, and group care facilities in Community Center have at least 50% of the ground-floor frontage that faces adjoining streets to include tenant spaces for commercial use with primary entrances facing adjoining street; home occupations, subject to limitations of §19-65(e); intercoms accessory to permitted uses, not audible to any residential use; motor vehicle rental and repair, subject to limitations of §19-159(f); outside display/storage, subject to limitations of §19-159(i); parks, public or private, not exceeding five acres of active recreational uses; parking and storage of commercial truck/vehicle, or service vehicle, in conjunction with any residential use, subject to the limitations of §19-65(f); pet grooming shops, subject to limitations of §19-145(d); plant nurseries not exceeding 10,000 sq. feet of total floor area; public address systems (outside), not audible to any residential use; recreational establishments/ facilities, outdoor, not exceeding five acres; satellite dishes, subject to limitations of §19-131(h); utility uses requiring a structure, public or private, subject to limitations of §19-131(g); veterinary clinics or offices, subject to limitations of §19-131(f); and warehouses, subject to limitations of §19-138(i). If restrictions cannot be met, uses may be allowed by conditional use.

The TND district would allow a number of accessory uses, including among others, boat houses, private; docks, private; equipment storage buildings; garages, private; gardens and garden buildings, private, subject to provisions of §19-66(a); grounds keeping buildings; hothouses, residential; in-law dwelling units; maintenance buildings, subject to provisions of §19-66(a); microbreweries; piers, private; plant propagation and cultivation (not for sale): crop, flower, tree, shrub; signs; storage buildings, private, subject to provisions of §19-66(a); swimming pools and adjoining deck areas; tennis courts and similar recreational facilities; tool buildings, private, subject to provisions of §19-66(a); yard sales; and other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

The TND district would allow these conditional uses subject to §19-13: communication towers; halfway houses; liquor stores; and mini-warehouse facilities. It would allow these special exceptions subject to §19-21: kennel, private; and yard sales in excess of 2 days.

In addition, the proposed ordinance amendments establish application procedures for approving an application for zoning to a TND district, including among other things a requirement for a Master Plan and a Design Guidelines Manual, and the procedures for filing applications for an overall development plan, and site plan or subdivision plan approvals.

The amendments also provide design standards and guidelines for TND projects including, among other things: (1) minimum project area requirement of 60 acres, or 20 acres for infill/redevelopment projects if a sphere of influence is established with existing and/or future neighborhoods and commercial areas equaling 60 acres at time of rezoning; (2) mix of uses in project design, providing for, among other things a horizontal and vertical mix of non-residential, residential, commercial and community center uses across the project and within buildings; (3) maximum residential densities and allowable percentages of residential development by type of dwelling unit, including single-family detached, single-family attached, live/work, and multi-family dwellings; (4) land use regulations for office, commercial, residential, civic, institutional, and open space uses within the Community Center; (5) minimum percentages and standards for common open space; (6) maximum building height standards; (7) minimum lot requirements and block standards as established in the applicable Overall Development Plan; (8) standards for public streets and motor vehicle circulation shall be designed to promote pedestrian and bicycle activity; (9) street layout standards; (10) parking space requirements; (11) landscape and buffering standards; (12) standards for exterior lighting; (13) off-street parking standards; (14) on-street parking standards; (15) parking and storage of recreational vehicles; (16) interpretation of specific parking requirements; (17) design standards for parallel parking; (18) plant material specifications; (19) building mounted sign restrictions; & (20) freestanding sign design restrictions. The amendments also provide definitions for the following terms: acreage, developable; infill TND project; live/work units; open space, common; over shop housing; personal service establishments; recreational establishments, commercial indoor; retail, general; school, specialty; sphere of influence; and work/live units.

Proposed amendments for standards applicable in TND districts as well as County-wide include: (1) garages or covered parking spaces to be counted toward required parking for residential uses; (2) parallel parking for off-street parking; (3) requirements for planting trees in sidewalk tree wells; and (4) minimum clearance for signs projecting from a building.

Discussion may include all of the recommendations listed above. After the public hearing, appropriate changes or corrections may be made to the proposed amendments. Questions should be directed to Mike Tompkins, Assistant Director of Planning, at 748-1053.



Mr. Tompkins presented an overview of, and staff's recommendation, for a proposed Code and Comprehensive Plan Amendment relative to Traditional Neighborhood Development Mixed Use (TND-MU) Zoning District.

Mr. Gulley opened the discussion for public comment.

There was support voiced for the proposals.

There being no one else to speak, Mr. Gulley closed the public comment.

On motion of Dr. Brown, seconded by Mr. Bass, the Commission resolved to recommend approval of an amendment to the Introduction to the Plan For Chesterfield ("Plan"), which amendment would add the following language to the discussion of neighborhood development goals and policies:

Traditional neighborhood development (TND) provides opportunities for creating new mixed-use, pedestrian-oriented, activity centers containing a variety of uses, including, business, retail, residential, cultural, educational, and other public and private uses. Traditional neighborhood development encourages physical community building at the neighborhood scale, while providing a range of housing choice. TND districts may be appropriate, subject to Board of Supervisors approval, for areas with the following Comprehensive Plan land use designations: Community Mixed Use; Community Mixed Use Center; Community Mixed Use Node; Regional Mixed Use; Regional Mixed Use Center; and Regional Mixed Use Node.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-41, 19-301, 19-508.3, 19-509, 19-510, 19-512, 19-518, 19-644 and 19-645 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted and Sections 19-200.1 through 19-200.11, 19-508.4, 19-509.1 and 19-514.1 be added and enacted to read as follows:

ARTICLE III. DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 19-41. Districts enumerated.

(a) For the purpose of this chapter the county is hereby divided into districts as follows:

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(24) TND Traditional Neighborhood Development

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DIVISION 26: TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Section 19-200.1. Purposes and Intent of District

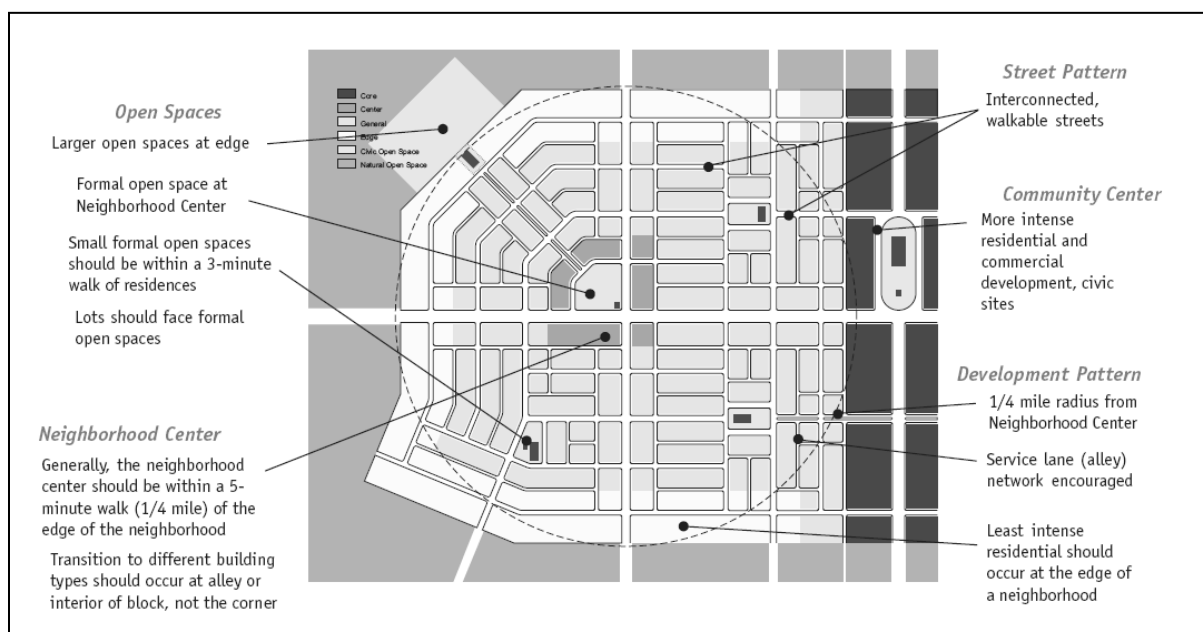
(a) The purpose of the Traditional Neighborhood Development District (TND) is to allow development of mixed-use, pedestrian-oriented, activity centers containing a variety of uses, including business, retail, residential, cultural, educational, and other public and private uses. The TND district incorporates publicly accessible community open space areas, encourages high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The TND district also permits a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and is intended to discourage piecemeal

development. The TND district will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility, and innovative and creative design.

(b) This district is meant to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods, which are referred to as neotraditional, and new urbanism. Generally, the following design principles are associated with TND development.

- (1) Compact development patterns that promote efficient use of land and lower costs of providing public infrastructure and services;
- (2) Development is designed for the human scale such that close attention is paid to walking distances, the height of buildings, and the design of streetlights, sidewalks, signs, and other features;
- (3) Nonresidential land uses, civic and open space, are mixed with residential land uses. The TND district also provides a community center and focus to establish a strong neighborhood identity. Traditional neighborhood development promotes a mix of housing types on varying lot sizes to accommodate households of varying ages, and incomes.
- (4) In-fill residential and/or nonresidential development and redevelopment is encouraged.
- (5) Development incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connection of those streets to existing and future developments.

The following is an illustrative example only, depicting characteristics and elements of a TND development. None of the notations shown on this illustration are meant to be regulatory.



Sec. 19-200.2. Uses Permitted By-Right

The following uses are permitted subject to Board of Supervisor approval of a TND district.

- (a) Access to any land located in an A, O, C, or I district or used for A, O, C, or I purposes.
- (b) Automobile self-service stations.
- (c) Bed and breakfast establishments.
- (d) Boarding houses.
- (e) Catering establishments.
- (f) Churches and other places of worship.
- (g) Clubs and lodges: civic, fraternal, non-profit, private, public, or social.
- (h) Cocktail lounges and nightclubs.
- (i) Colleges, public or private.
- (j) Communication antennas integrated into the design of a permitted building.
- (k) Communication offices, studios, and stations; not including towers.
- (l) Conference centers.
- (m) Convenience store.
- (n) Dwellings: attached, detached, live/work, multiple-family, single-family, townhouse, two-family.
- (o) Fire stations and emergency rescue squads, buildings and grounds.
- (p) Fraternities (in conjunction with school or college).
- (q) Funeral homes.
- (r) Galleries, art.
- (s) Government buildings.
- (t) Group homes.
- (u) Hospitals and other medical facilities.

- (v) Hotels.
- (w) Laboratories: dental, medical, and optical.
- (x) Libraries, public or private.
- (y) Meal preparation and delivery services.
- (z) Messenger services.
- (aa) Model homes.
- (bb) Mortuaries.
- (cc) Museums, public or private.
- (dd) Offices: dental, general, medical, property management, temporary real estate.
- (ee) Parking lots: commercial, non-commercial, park and ride.
- (ff) Personal service establishments.
- (gg) Post offices.
- (hh) Public utility service buildings.
- (ii) Recreational establishments, commercial-indoor.
- (jj) Restaurants and cafes: carryout, fast food, or sit-down.
- (kk) Retail, general.
- (ll) Schools, public or private.
- (mm) Schools, specialty.
- (nn) Sororities (in conjunction with school or college).
- (oo) Telephone exchanges.
- (pp) Theaters (except drive-in theaters).
- (qq) Utility uses located underground or not requiring a structure
- (rr) The Director of Planning, as per Section 19-19.1(a), may approve those uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. The Director of Planning shall consider,

among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure(s); noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in the district.

Sec. 19-200.3. Uses Permitted With Certain Restrictions

The following uses shall be permitted in the TND District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to Section 19-13.

- (a) Check cashing, incidental, subject to the limitations of Section 19-145(h).
- (b) Christmas tree sales, temporary outdoor, subject to the limitations of Section 19-152(h).
- (c) Construction buildings/trailers, temporary, subject to the limitations of Section 19-131(e).
- (d) Group care facilities, provided that facilities in excess of 10,000 square feet of floor area shall be limited to the Community Center. Group care facilities in the Community Center shall have at least fifty (50) percent of the ground-floor frontage that faces adjoining streets include tenant spaces for commercial uses with primary entrances facing the adjoining street.
- (e) Home occupations, subject to the limitations of Section 19-65(e).
- (f) Intercoms accessory to permitted uses, not audible to any residential use.
- (g) Motor vehicle rental, service and repair, subject to the limitations of Section 19-159(f).
- (h) Outside display or storage, subject to the limitations of Section 19-159(i).
- (i) Parking and storage of any commercial truck, commercial vehicle, or service vehicle, in conjunction with any residential use, subject to the limitations of Section 19-65(f).
- (j) Parks, public or private, not exceeding five acres of active recreational uses.
- (k) Pet grooming shops, subject to the limitations of Section 19-145(d).
- (l) Plant nurseries not exceeding 10,000 square feet of total floor area.
- (m) Public address systems (outside), not audible to any residential use.
- (n) Recreational establishments or facilities, outdoor (public, private, or commercial), not exceeding five acres.
- (o) Satellite dishes, subject to the limitations of Section 19-131(h).

- (p) Utility uses requiring a structure, public or private, subject to the limitations of Section 19-131(g).
- (q) Veterinary clinics or offices, subject to the limitations of Section 19-131(f).
- (r) Warehouses, subject to the limitations of Section 19-138(i).

Sec. 19-200.4. Accessory Uses, Buildings and Structures

The following accessory uses, buildings and structures shall be permitted in the TND district.

- (a) Boathouses, private.
- (b) Docks, private.
- (c) Equipment storage buildings.
- (d) Garages, private, subject to the provisions of Section 19-66(a).
- (e) Gardens and garden buildings, private, subject to the provisions of Section 19-66(a).
- (f) Grounds keeping buildings, subject to the provisions of Section 19-66(a).
- (g) Hothouses, residential.
- (h) In-law dwelling units.
- (i) Maintenance buildings, subject to the provisions of Section 19-66(a).
- (j) Microbreweries.
- (k) Piers, private.
- (l) Plant propagation and cultivation (not for sale): crop, flower, tree, and shrub.
- (m) Signs.
- (n) Storage buildings, private, subject to the provisions of Section 19-66(a).
- (o) Swimming pools and adjoining deck areas.
- (p) Tennis courts, and similar recreational facilities.
- (q) Tool buildings, private, subject to the provisions of Section 19-66(a).
- (r) Yard sales.

- (s) Other accessory uses, building not otherwise prohibited, customarily accessory and incidental to ant permitted use.

Sec. 19-200.5. Conditional Uses

The following uses may be allowed in the TND district by conditional use subject to the provisions of Section 19-13.

- (a) Communication towers.
- (b) Halfway houses.
- (c) Liquor stores.
- (d) Mini warehouse facilities.

Sec. 19-200.6. Special Exceptions

The following uses may be allowed in the TND district by special exception, subject to the provisions of Section 19-21.

- (a) Kennel, private.
- (b) Yard sales in excess of two (2) days.

Sec. 19-200.7. Application Procedures and Approval Process

The TND district becomes part of the zoning map upon approval of an application to rezone property according to specified criteria contained in Section 19-200.9. The process to create a TND district consists of two parts; rezoning the property to TND, and, as part of the rezoning process, approval of a Master Plan and a Design Guidelines Manual. The Master Plan consists of a generalized graphic description of the project's proposed mix of land uses, densities, open space and other amenities according to the provisions of section 19-14(d)(1). The Design Guidelines Manual will govern the site-specific design features associated with the project throughout its development. The standards for development that are submitted by an applicant and approved by the board of supervisors for a particular TND district, as well as any other applicable provisions of the County Code, shall be the standards by which the project will be developed.

Sec. 19-200.8. Rezoning Application Requirements; Required Documents and Information

The following documents and information shall be submitted to the planning department and any other information required by the director of planning necessary to evaluate a rezoning application and its associated plans for development.

- (a) Master Plan. In addition to the requirements of section 19-14(d)(1), the following items shall be shown in the Master Plan.

- (1) The location of existing property lines, watercourses or lakes, wooded areas, and existing roads within or adjoining the property.
 - (2) The maximum residential densities and the maximum number of residential units for individual residential land use categories and mixed-use categories, delineating at least two housing types.
 - (3) The maximum non-residential square footage by use type and function.
 - (4) The amount of land devoted to open space and amenities, including conservation areas or preservation areas, etc.
- (b) *Design Guidelines Manual.* The design guidelines manual shall address the following components of the built environment within a proposed TND district:
- (1) The form, massing, and proportions of structures;
 - (2) Vertical separation between streets and single-family residential uses;
 - (3) Architectural styles;
 - (4) Front porches for single-family residential uses;
 - (5) Materials, colors, and textures;
 - (6) Roof form and pitch;
 - (7) Architectural elements and ornamentation;
 - (8) Facade treatments, including window and door openings;
 - (9) Landscape treatments;
 - (10) Sidewalks and pathway treatments and other pedestrian amenities;
 - (11) Preservation of historic structures, sites, and archeological sites identified by the Virginia Department of Historic Resources and those designated by the county;
 - (12) Signage.

Section 19-200.9. Development Plan Review Process: Overall Development Plan

Upon approval of the rezoning application, the development plan review process for a TND project shall include an Overall Development Plan (ODP) that describes the layout, uses, and other pertinent information for the entire development, or for individual tracts of development as may be approved with the Master Plan. However, for areas within the project that are not ready to be submitted for site plan review, the layout of buildings and parking lots shall not be required to be shown except as required by the director

of planning to complete reviews on other development areas. Layout of roads shall be shown as required to accomplish road construction per section 200.11(b)(3).

Once an ODP is approved, site plans and/or subdivision plans may be submitted that document the actual construction of the development.

- (a) An ODP shall be submitted for any TND development. The ODP may be approved administratively or by the planning commission and shall be updated and revised as the project evolves over time, as required by the director of planning.
- (b) Overall Development Plans shall include information deemed necessary by the director of planning to insure compliance with zoning conditions and the zoning ordinance's purposes, including but not limited to:
 - (1) The horizontal layout of the project based upon a metes and bounds survey with two points tied to the Virginia State Coordinate System.
 - (2) The designation of public and private roads including alleys;
 - (3) A list of residential and non-residential products and the maximum building height within each block of the TND;
 - (4) A layout of single-family lots in each block;
 - (5) Build to lines establishing required distances between road rights of ways and principal buildings;
 - (6) Density by block and overall density;
 - (7) Sidewalk and pedestrian path locations;
 - (8) Areas of common open space that achieve a minimum of 20% common open space within the entire TND project and the spacing requirements specified in section 19-200.11 (e);
 - (9) Conceptual layout of sewer and water service;
 - (10) Conceptual landscaping plans for streets and buffers;
 - (11) A traffic impact analysis if deemed necessary by the director of transportation; and
 - (12) Sign package for community identification and announcements.
- (c) For the purposes of subsequent site plan and subdivision review, the ODP shall identify the blocks and/or areas, including adjoining roads and common open space areas that shall be reviewed using the site plan or subdivision review process. Determination of which review process shall be used for each block and/or area shall be made by the planning department based upon input from participating review departments.

- (d) Overall Development Plans shall be reviewed to ensure compliance with TND requirements, zoning conditions, and the goals and policies of the comprehensive plan; to ensure land use compatibility and transition, and to mitigate any adverse impact on public health, safety and welfare. The planning commission or the director of planning may impose conditions to accomplish these purposes. An administrative decision on an ODP may be appealed in conformity with section 19-268(d). The planning commission's decision on an ODP may be appealed in conformity with section 19-269(e).
- (e) If the applicant requests administrative review of the ODP, the director of planning shall post a notice of the ODP submission to adjacent property owners by first class mail as soon after plan submission as practicable, but in no event less than 21 days prior to approval or disapproval of the ODP. The director of planning shall make affidavit that such notice has been sent and shall file the affidavit with the application.
- (f) If the applicant requests a planning commission review of the ODP, the director of planning shall post a notice of an ODP hearing by the planning commission in accordance with section 19-26(b).
- (g) Review of the ODP shall be in accordance with section 19-26(c).

Section 19-200.10. Site Plan and Subdivision Plans

Based upon approval of the Overall Development Plan for the TND project, the applicant may file for site plan review/approval or subdivision plan review/approval.

Section 19-200.11. General Design Standards and Guidelines

The following design standards and guidelines shall be applicable for all development within the TND district.

- (a) *Minimum Area:* A TND project must contain a minimum of sixty (60) acres. For infill and redevelopment projects, a minimum of twenty (20) acres are allowed if a sphere-of-influence is established into existing and/or future neighborhoods and commercial areas equaling sixty (60) acres at time of rezoning. However, any subsequent TND request to expand a TND or infill TND shall not have a minimum size as long as the area of expansion conforms to the requirements of the original TND it adjoins.
- (b) *Mix of Uses in Project Design:* To achieve the compact design necessary to make the TND fully pedestrian oriented, residential and non-residential land uses must be sufficiently mixed horizontally across the project and vertically within buildings. The non-residential development serving the TND shall progress with the residential development. The project should be organized so that higher density residential blocks are located within one-quarter (¼) mile of the community center. Lower density residential blocks may be located beyond one-quarter mile from the community center. Because existing uses surround an in-fill TND project, lower residential densities adjacent to the community center should be evaluated at time of zoning with regards to transition of uses.

- (1) Within a TND project, a minimum of thirty (30) percent of the acreage shall be used for non-residential development, and at least 40 percent of the total square footage of ground floor non-residential development shall have over shop housing. The percentage of project acreage for non-residential buildings shall include the buildings and all parking, sidewalks, streets, and open space directly associated with these buildings.
 - (2) Within an infill TND project including the area within its designated sphere of influence, a minimum of thirty (30) percent of the acreage shall be used for non-residential development. This may include existing and/or proposed retail development within the TND sphere of influence as long as pedestrian pathways and streets are provided to the proposed infill TND area. At least 40 percent of the total square footage of ground floor non-residential development shall have over shop housing. This may be reduced to the extent that existing non-residential development exceeds the remaining 60 percent of ground floor non-residential square footage.
 - (3) Within a TND project, no more than 40 percent of residential building permits in residential areas shall be released until 75 percent of all public and private roads serving non-residential development are constructed. No more than 75 percent of residential building permits shall be released until building permits are released and uses are under construction for at least 40 percent of the land area designated for non-residential development. The board of supervisors may approve alternate phasing at time of zoning.
 - (4) TND and in-fill TND projects should incorporate as many categories of residential uses as possible, but at least three categories of residential uses shall be included. Infill TND projects may include existing residential use categories that exist within the sphere of influence to achieve at least three categories of residential use categories.
- (c) *Residential Uses.* The following residential categories are allowed within the residential areas of a TND up to the maximum density levels established below. Density for each residential category shall be calculated based upon the developable acreage identified within each block in the overall development plan.
- (1) *Single-family detached dwellings* - Up to eight (8) dwelling units per acre. A maximum of sixty (60) percent of the residential development area may be used for single-family detached dwellings.
 - (2) *Single-family attached dwellings* – Up to sixteen (16) dwelling units per acre. A maximum of forty (40) percent of the residential development area may be used for single-family attached dwellings.
 - (3) *Live/work units* – Up to sixteen (16) dwelling units per acre. No more than ten (10) percent of the residential development area shall be used for live/work dwellings and these units shall be located within the same block or across the street from non-residential development areas.
 - (4) *Multi-family dwellings* – Up to 25 dwelling units per acre. No more than twenty (20) percent of the residential development area shall be used for multi-family dwellings. Multi-

family dwellings incorporated into upper stories of non-residential buildings may exceed 25 dwelling units per acre as long as parking requirements for additional dwellings are provided through multi-story parking facilities (parking garages).

(d) *Community Center:* The community center of a TND project shall consist of a mix of office, commercial, residential, civic or institutional, and open space uses as identified below.

(1) *Office and Commercial uses in the community center.* Except as may be approved at time of zoning or for government buildings, no individual building shall exceed 10,000 square feet in ground floor area until buildings are under construction for the minimum percentage of ground floor building square footage with overshop housing. For each story of overshop housing, the 10,000 square feet ground floor area limit may be increased by right by fifty (50) percent above the base limit. Once building construction has started for the minimum area of buildings with overshop housing, individual buildings may increase in ground floor area to a maximum of 30,000 square feet.

(2) *Residential uses in the community center:* The following residential uses are permitted in the community center:

a. Residential dwellings, as over shop housing, may exceed 25 dwelling units per acre as long as parking requirements for dwellings beyond 25 units per acre are provided through multi-story parking facilities (parking garages).

b. Senior apartments, assisted living facilities, and nursing homes as long as each use is designed within a single building with a minimum of three stories and the area for all of these uses does not exceed 25 percent of the total acreage in the community center.

c. Work/live units – Community center may include up to ten percent of the developable area of the entire community center with work/live units.

(3) *Civic or institutional uses in the community center:* The community center shall provide locations that serve as focal points for civic, religious, and/or institutional uses. These focal points shall be at ends of sight lines such as may occur at a tee intersection of two streets, at a sudden road bend, or at one end of a central commons area, and these buildings shall be designed with a strong architectural appearance in character with the project's theme. Such uses include but are not limited to the following:

a. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;

b. Places of worship;

c. Public schools.

(4) *Common open space uses in the community center.* Common open space is a significant part of the design of a traditional neighborhood development. Formal and informal non-

linear spaces are required with a formally designed central square or commons of 40,000 square feet minimum established as the primary common open space near the center of the community center. A smaller informally designed common open space area shall serve as a children's park of 20,000 square feet minimum and shall be located within two blocks of the community center and adjacent to a primary pedestrian path or sidewalk. This park shall be furnished with a variety of children's play equipment and with seating areas for adults.

- (e) *Common Open Space:* At least 20 percent of the gross acreage of the entire TND project shall consist of common open space for the common use and enjoyment of residents, visitors and employees within the TND and shall be clearly delineated in the overall development plan. A minimum of 85 percent of the residential units within the TND project devoted to residential uses shall be within ¼ mile of an improved common open space area such as a park or plaza having a minimum area of 20,000 square feet that includes, at a minimum, improvements such as benches, activity areas, and landscaping. Internal bikeways and pedestrian walkways shall connect between all improved common open space areas. Within an infill TND, the percentage of common open space, the distance to common open space areas, and the connectivity between common open space areas for infill TND projects may be modified by the director of planning based upon available common open space and pathways within the sphere of influence and the amount of land available within the infill TND.
- (f) *Building Height:* Within a TND project, building height shall not exceed four (4) stories or fifty (50) feet, whichever is less, except within the community center where building height shall not exceed eight (8) stories or one hundred (100) feet, whichever is less. However, within any block, no structures shall exceed a height of twenty-five (25) feet taller than any other adjacent buildings within the same block.
- (g) *Minimum Lot Requirements and Block Standards:* There shall be no minimum lot area or yard (front, rear, and side) requirements except as defined in the Overall Development Plan for the project. A build-to-line along the street front of each block shall be established that defines the maximum distance between the street right-of-way and the face of the principal building on each lot.
- (h) *Motor Vehicle Circulation:* Motor vehicle circulation shall be designed to promote pedestrian and bicycle activity. Streets within the TND shall include traffic calming elements to encourage slow traffic speeds such as "queuing streets", curb extensions, traffic circles, parallel and angled on-street parking and medians, as determined by the directors of planning and transportation. All roads that accommodate general traffic circulation, as determined by the director of transportation, shall be constructed to state standards and accepted for maintenance by the Virginia Department of Transportation.
- (i) *Street Layout.* Development in the TND district shall maintain a street grid pattern of generally parallel interconnecting streets with no cul-de-sacs except as may be approved during the review of the Overall Development Plan due to topographic or site design constraints. Each proposal's topographic and other physical site impacts will be considered regarding this standard.
 - (1) Intersections should be at right angles whenever possible.

- (2) Curb cuts for driveways to individual residential lots shall be prohibited along all roads identified on the county's Thoroughfare Plan.
- (j) *Modifications of fire prevention code.* During the design of TND developments, all structures are required to meet the provisions of the Statewide Fire Prevention Code as amended by Chesterfield County. Modification of the fire prevention code, as permitted by the Statewide Fire Prevention Code, will be considered by the fire code official upon request by the designer or developer when there are practical difficulties involved in meeting the provisions of this code.
- (k) *Parking spaces required.* Parking within TND districts shall be in accordance with Sections 19-509 through 19-514.
- (l) *Landscaping and Buffering.* Landscaping within TND districts shall be in accordance with Sections 19-516 through 19-519.
- (m) *Exterior Lighting.* Exterior lighting general requirements for TND districts shall be in accordance with section 19-508.3.
- (n) *Exterior Lighting within a TND.* Exterior lighting requirements for TND districts shall be in accordance with 19-508.4.
- (o) *Off- Street Parking.* Off street parking requirements for TND districts shall be in accordance with section 19-509.
- (p) *On -Street Parking in a TND.* On- street parking requirements for TND districts shall be in accordance with section 19-509.1.
- (q) *Restrictions and Limitations.* Agricultural, residential, residential townhouse, multi-family residential, manufactured homes. Restrictions and limitations applicable to TND districts shall be in accordance with section 19-510.
- (r) *Interpretation of Specific requirements.* Interpretation of certain specific requirements for TND districts shall be in accordance with section 19-512.
- (s) *Design Standards for Parallel Parking.* Design standards for parallel parking in TND districts shall be in accordance with section 19-514.1.
- (t) *Plant Material Specifications.* Plant material specifications for TND districts shall be in accordance with section 19-518.
- (u) *Other Restrictions for Building Mounted Signs.* Restrictions for building mounted signs in TND districts shall be in accordance with 19-644.
- (v) *Freestanding Sign Design.* Free standing sign design in TND districts shall be in accordance with section 19-645.

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Section 19-301. Definitions

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Acreage, developable: The total land area within a zoning lot, or within a block for a TND project, minus areas that are not developable including but not limited to resource protection areas, wetlands, perennial stream protection areas, lakes, railroad rights of ways, and cemeteries. Within a TND, common open space as approved in the overall development plan shall be included as developable acreage within each block. The total land area within a zoning lot or a block shall be measured from existing public rights of way, from the center of proposed street rights of way, and from the edge of any land or water area not developable.

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Infill TND project: The intent of the in-fill TND project is to establish a complete TND with a blend of residential types and densities that relate to a commercial community center and that is interconnected with streets for vehicular access and with pedestrian pathways and common open space. By inserting residential or commercial components of a TND project that are missing in an area with existing development or redevelopment, an infill TND project begins establishing a network of pedestrian pathways with areas of common open space and opportunities for economic development within walking distance of existing neighborhoods. The extent that an in-fill TND, combined with other properties within its sphere of influence to equal 60 acres minimum, accomplishes the general characteristics of a TND project shall be established at time of zoning.

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Live/Work Units: A building, or a unit space within a portion of a building, that combines a commercial use allowed in the zoning district with a residential living space for the owner of the business, or the owner's employee, and that person's household. The residence occurs on upper floors and the business occurs on the first floor. Live/work units shall be located only in residential areas of a TND. Architecture generally emphasizes a residential townhome character, but the first floor for the business shall be on-grade with the adjoining street and shall have a minimum of a 12 feet high ceiling. A business in a live/work unit shall not be open to the public between the hours of 9 pm and 7 am.

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Open space, common: Any area within the TND project area as shown on the overall Development Plan (section 19-200.9) that may be used by residents and the general public that is maintained for any of the following purposes: as natural vegetation or landscaped areas; aesthetic and accessible ponds and BMPs; active or passive recreational uses including but not limited to sidewalks, walking and biking paths, playgrounds, swimming pools, and tennis courts; outside public gathering areas set aside for temporary activities and events such as, but not limited to, art shows, annual celebrations, and

special outings that support the recreational nature of open space; and related parking lots and buildings accessory to any of these uses. Resource protection areas, wetlands, perennial stream protection areas, and storm water management and "best management practices" (BMP) areas are excluded from minimum common open space area requirements except for those areas used as a design feature or recreational amenity or greenway.

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Over shop housing: Residential units in upper stories of commercial and office development.

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Personal service establishments: Primarily non-industrial establishments which provide various service functions to residents and businesses, including: banks; barber shops; beauty shops; brokerages; child care centers; clinics (massage, medical or optical); credit unions; day care (family day care homes, day care centers, adult or child); dress making shops, dry cleaning (pick-up, drop-off, coin-operated); laundries and Laundromats (not including dry cleaning plants); locksmith operations; mailing services; printing shops, photography studios; rental establishments (small home hardware, tools and equipment, health and party equipment); repair services; sewing machine sales, service and instruction; savings and loans institutions; shoe repair; tailoring; telegraph services; travel agencies; tutoring centers; and other uses of similar intensity and nature as determined by the director of planning.

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Recreational establishments, commercial indoor: Primarily non-industrial establishments which provide commercial indoor recreational services, including: billiard parlors; dance studios; exercise studios; fitness centers; health clubs; martial arts studios; pool halls; and other uses of similar intensity and nature as determined by the director of planning.

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Retail, general: Non-industrial establishments characterized by the offering for sale of goods and related services to the general public, including: antiques (not including pawnbrokers, flea markets, or second-hand stores); appliances; artist materials and supplies; bakery goods; beer and wine; bicycles; books; cameras, candy, clothing; consignment stores (excluding motor vehicles); curios; department stores; home electronics; eye wear; drug stores; flowers, food (prepared); fruit; furniture; gasoline; groceries; gifts; hardware; hobby supplies; home entertainment items; jewelry; magazines; meat; motor vehicle accessories; musical products and instruments; newspapers; office supplies; packaging; paint; pets; pharmacies; seafood; shopping centers; sporting goods; stationary; telephones; toys; videos (rental and sales); vegetables; wallpaper; and other uses of similar intensity and nature as determined by the director of planning.

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School, specialty: Educational facilities offering specialized instruction for art, business; commerce; dance; music; trades; training purposes; or vocational education; and other uses of similar intensity and nature as determined by the director of planning. This definition includes kindergarten and nursery schools.

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Sphere of influence: The sphere of influence of an in-fill TND project includes the developed and/or undeveloped areas outside of and adjacent to the boundaries of the in-fill TND that physically connect with the infill TND via streets, bicycle paths, and pedestrian paths and sidewalks in order to establish a larger TND community area of at least 60 acres. Streets, bicycle paths, and pedestrian paths and sidewalks shall extend and connect from the proposed TND project to access locations in adjoining developments, as required by the board of supervisors at time of zoning.

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Work/live units: A building, or a unit space within a portion of a building, that combines a commercial use allowed in the zoning district with a residential living space for the owner of the business, or the owner's employee, and that person's household. The residence occurs on upper floors and the business occurs on the first floor. Work/live units shall be located only in the community center of a TND. Architecture generally emphasizes the commercial character of the TND community center, and the first floor for the business shall be on-grade with the adjoining street and shall have a minimum of a 12 feet high ceiling. There is no limit to the hours that the business use may be open to the public.

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Sec. 19-508.3. Exterior lighting.

With the exception of single family residential uses, all exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths foot candle above background, measured at the lot line of any adjoining A, R, R-TH, MH, TND, or R-MF district. Except in village and TND districts where light standards may be required to be compatible with unique architectural styles or developments having ornamental pedestrian style lighting, lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining A, R, R-TH, MH, TND, or R-MF district or public right-of way.

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Sec. 19-508.4. Exterior lighting within a TND project.

Within a TND, pedestrian environments require lighting to provide visibility and safety along streets and within public parking areas while minimizing the effects of lighting on residential uses.

(a) *Lighting Level Standards.*

- (1) Streets with on-street parking and all sidewalks within public rights-of-way shall maintain a minimum illumination level of 0.5-foot candle.
- (2) Parking areas for all uses other than single-family residential uses shall maintain a minimum illumination level of 1.0 foot-candle. However, adjacent to single-family residential uses, parking lot or business security lighting shall not exceed the 1.0 foot-candle illumination level beyond the property line.

(b) Light Fixture Mounting Heights.

(1) Street lighting shall not exceed a mounting height of twenty-five (25) feet above the closest street grade.

(2) Parking area lighting, whether pole or building mounted, shall not exceed a height of twenty (20) feet above the grade of the parking area closest to the light source.

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Sec. 19-509. Off-street parking.

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(c) For residential uses, parking within a garage or an enclosed or covered space may be counted toward meeting parking requirements. Conversion of such a garage or enclosure to another use is prohibited unless sufficient off-street parking is provided.

(d) Within the community center of a TND project, public parking facilities may be constructed to provide sufficient required parking for uses within 1000 feet of the facility. However, parking decks shall be screened from view from public and private roads by locating other buildings around their perimeter.

Sec. 19-509.1. On-street parking in a TND.

Except along roads identified on the county's Thoroughfare Plan, improved, designated parking spaces in a public right-of-way may be counted toward the required number of parking spaces for each use within a TND District when more than one-half of each such space resides in front of the use. However, parking spaces in a public right-of-way shall not be designated in any way for a use. On-street parking spaces not in front of a use may be counted toward the required number of parking spaces within an overall block.

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Sec. 19-510. Restrictions and limitations—Agricultural, residential, residential townhouse, multi-family residential, manufactured homes.

(a) Parking and storing recreational equipment in R, R-TH, MH, TND and R-MF Districts:

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(3) In R-TH, ~~and~~ R-MF, and TND Districts, parking and storing recreational equipment shall be prohibited unless a common storage area(s) is (are) provided for the parking. Parking spaces for recreational equipment and/or vehicles shall be in addition to that required for parking private vehicles. The storage area(s) shall be effectively screened from view.

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Sec. 19-512. Interpretation of specific requirements.

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(c) Within a TND district, the minimum requirements for on and off-street parking spaces for each use shall be calculated based on the lesser of either section 19-513 or four (4) parking spaces per 1000 square feet of gross floor area. Required parking for live/work units shall be based on the residential use and parking for work/live units shall be based upon the commercial use.

(c)(d) When fractional space results, the required number of parking spaces shall be rounded to the next highest whole number.

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Sec. 19-514.1. Design standards for parallel parking.

Parallel parking may be used for required parking off-street, and on-street in village districts and the TND zoning district. Spaces shall be legibly striped to be seven (7) feet wide and twenty-two (22) feet long with 4 inch white lines perpendicular to the curb or edge of pavement.

Sec. 19-518. Plant material specifications.

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(b) *Minimum size standards:*

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(2) *Large deciduous trees:* Large deciduous trees shall be of a species that reach a minimum crown spread of greater than 30 feet within 20 years. At a time of planting, a minimum caliper of at least two and one-half inches shall be required except for street trees within a TND project when three and one-half inches shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum caliper shall be reduced ~~to two inches~~ by a half inch. Multi-stem plants shall be minimum of 10 feet tall except that large deciduous street trees in a TND project shall not be allowed to be multi-stem.

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(h) *Street trees:* During the site and subdivision construction plan review processes, and for a TND project during the overall development plan review process, required street trees shall be shown ~~on a plan showing the proposed tree locations,~~ including species and caliper, and submitted to and approved by the director of planning and VDOT. ~~The street tree plan shall be submitted as a part of the construction plans.~~

(1) Unless otherwise approved by the director of planning and VDOT during the review of the overall development plan for a TND project, all public and private streets except alleys

shall be planted with large maturing street trees on an average of forty (40) feet on center within the street right-of-way of each block, either within a sidewalk area or within a planting strip between the curb and sidewalk having a minimum width of six (6) feet. When small maturing ornamental street trees are proposed, spacing shall average twenty-five (25) feet on center.

- (2) Within a TND project, the minimum clear zone shall be established for proposed trees within the public street right-of-way by using six (6) inch vertical curbing for all public streets.
- (3) Within a TND project, planting strips within a street right-of-way shall be planted with turf grasses or other low growing plants as approved by VDOT.
- (4) For all trees planted in tree wells in a sidewalk area within or adjacent to a public or private street, a minimum of seventy-five (75) square feet by three (3) feet deep beneath the sidewalk shall contain an uncompacted soil mix favorable to healthy tree growth, irrigation, and a subdrain tied to the storm drain system.
- ~~(4)~~(5) Unless otherwise required during subdivision review, trees shall be planted at a maximum spacing of 40 feet on center and shall be located no greater more than five (5) feet outside of the right-of-way in an easement granted to the homeowners association or within the right-of-way if approved by VDOT. For single trunk trees the minimum allowable caliper measured four feet above grade shall be two and one half inches. Multistem trees shall have a minimum of three canes and be a minimum of ten feet in height. Species selected for planting shall be suitable for growing in this vegetative zone and shall be drought tolerant.
- ~~(2)~~(6) The subdivider or developer shall at their expense install all required street trees identified on the approved plans prior to recordation or surety shall be provided in the amount approved by the director of planning and in a form accepted by the county attorney's office, sufficient to guarantee installation. Any surety shall be held by the director of planning. Installation within a subdivision shall be completed prior to state acceptance of the subdivision's streets.
- ~~(3)~~(7) Required street trees shall be guaranteed by the installer for a period of not less than one year. Replacement of dead trees is required in accordance with section 19-518(d). Maintenance responsibilities of the required street trees within a subdivision shall be specified on the final check plan and record plat to be the responsibility of the homeowners association. Street trees shall not be removed during or after residences are constructed. Trees removed shall be replaced with a like species and in a size comparable to the original planting.

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19-644. Other restrictions for building mounted signs.

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(b) Signs may be mounted perpendicular to a building provided that no sign shall project more than 36 inches from the building, roof or canopy, exceed a face to face thickness of eight inches or exceed the height of the fascia or parapet wall. All projecting signs shall maintain a minimum clearance of eight (8) feet above grade below the sign. Within a Traditional Neighborhood Development (TND), building signs projecting over a sidewalk may extend up to eight (8) feet from the building as long as the sign is no closer than four (4) feet from the face of curb at the street.

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Sec. 19-645. Freestanding sign design.

(b) Any freestanding sign in an TND, O-1 or C-1 District shall conform to village district standards, with the exception that uses in a TND District that front on a major arterial outside of a village district may use countywide size restrictions for area and height for signs located on the major arterial.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 07SN0282, Lucas Properties, LLC.

07SN0282: (Amended) In Midlothian Magisterial District, **LUCAS PROPERTIES, LLC** requested rezoning and amendment of zoning district map from Residential (R-40) to Residential (R-15). Residential use of 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 12.1 acres fronting approximately 670 feet on the southwest line of Robious Road approximately 120 feet west of Corner Rock Road, also fronting approximately 600 feet on the west line of Corner Rock Road approximately 240 feet south of Robious Road. Tax IDs 734-717-9054 and 735-717-1268, 1405 and 2943.

Ms. Orr presented an overview of the request and staff's recommendation.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Gulley opened the discussion for public comment.

There was opposition to the proposal, citing concerns relative to the retention of the Residential (R-40) zoning classification and development standards for the property, traffic, density, safety, buffers and drainage.

There being no one else to speak, Mr. Gulley closed the public comment.

In rebuttal, Mr. Scherzer stated he felt the proposal, as submitted, was reasonable and would be an asset to the community.

Mr. Waller stated he felt the proposal, as presented, was much improved; that the developer had made significant improvements; and the proposal complied with the area land use plan.

On motion of Mr. Waller, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0282 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Lot Size. Lots shall have a minimum area of 20,000 gross square feet and a minimum lot width of 120 feet. (P)
2. Density. The maximum density of this development shall not exceed fifteen (15) dwelling units. (P)
3. Foundations. All exposed portions of the foundation and exposed piers supporting front porches of each dwelling unit shall be faced with brick or stone veneer. (P & BI)
4. Vinyl Siding. Vinyl siding shall be prohibited. (P & BI)
5. Utilities. Public water and wastewater systems shall be used. (U)
6. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - a.) Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property.
 - i. If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, the \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads, and \$404.00 for fire stations, and \$5,331.00 for schools; or
 - ii. If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 6.a.i. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - iii. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - iv. Impact fees. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner determined by the County. (B & M)

7. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
8. Burning Ban. The developer shall not use burning to clear or timber the subject properties. (EE)
9. Road Improvements.
 - a.) In conjunction with the initial development of the property, additional pavement shall be constructed along Robious Road at the Corner Rock Road intersection to provide a separate right turn lane. The developer shall dedicate to Chesterfield County, free and unrestricted, any right-of-way (or easements) required for this improvement.
 - b.) In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for the improvements described above, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
10. Access. No direct vehicular access shall be provided from the property to Robious Road. (T)
11. Geotechnical Report. A geotechnical report prepared by a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts, shall be submitted to the Environmental Engineering Department in conjunction with any plan submission. Upon review by Environmental Engineering, or their designee, the report may either be accepted or revisions requested and, if revisions are requested, resubmitted in the same manner for review and acceptance by Environmental Engineering, or their designee. The report shall include, but not be limited to, the following:
 - a.) The location and analysis to include, but not be limited to, type (e.g., mine entrance shaft, air vents, unsuccessful exploratory pits, etc.), size, and depth of any mining pits or tailing heaps;
 - b.) Fill-in/reclamation procedures; setbacks between the perimeter of any shaft; and any other safety measures intended to protect the health, safety and welfare of people and structures;
 - c.) The impact of any horizontal shafts on construction and future health, safety and welfare issues;
 - d.) The location and number of soil borings and depth necessary to confirm that the building site is not impacted by any horizontal shafts; and

- e.) The allowable building envelopes and location based on the geotechnical recommendations.
 - i. Development shall comply with the recommendations of the accepted report.
 - ii. All former mining activity shall be filled in/reclaimed under the direction of a consultant who has had previous mining/geotechnical experience in reclamation of mine shafts. All reclamation shall be observed by the geotechnical expert and shall be certified as to compliance with the recommendations established in the accepted report. Prior to the release of any building permit, a copy of the certification shall be submitted to Environmental Engineering. (EE)
- 12. House Size. All dwellings shall have a minimum of 2700 gross square feet. (BI & P)
- 13. Driveways. All private driveways serving residential uses shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
- 14. Restrictive Covenants. The following shall be contained in restrictive covenants which shall be recorded in conjunction with the recordation of any subdivision plat.
 - a.) The following provisions in the restrictive covenants cannot be modified or amended for a period of at least twenty (20) years following recordation.
 - b.) Any residential accessory building shall be architecturally compatible with respect to materials, colors, or other architectural features with the residential dwelling located on the lot. Exposed walls shall not be constructed of metal.
 - c.) Any exposed surface of a chimney must be masonry.
 - d.) All residential dwelling units shall have an attached garage containing a minimum of 400 gross square feet.
 - e.) Any propane tanks shall be screened from view of adjacent residential lots and public roads. Screening treatment shall be compatible with the architectural treatment, colors and materials of the dwelling on the lot.
 - f.) Garages shall be side or rear loaded only. (P)
 - g.) An Architectural Review Committee, hereafter called "ARC", shall be comprised of Sanders Wilhelm, his heirs, personal representatives, successors, and assigns. The ARC shall coordinate each residence and lot and generally coordinate the development, construction and planning of the lots according to the specifications set forth in "Architectural Review" attached hereto as Exhibit A and made a part hereof. Architectural approval shall be a two-part process.
 - i. Two sets of plans shall be submitted and approved by ARC prior to construction. Plans shall include: site plan and landscape plan, cross

section details, porch and railing details, all construction (including fencing, walls, and outbuildings) must be approved prior to construction.

- ii. Final check of the actual construction prior to occupancy to insure that the architectural guidelines have been met.
- h.) No building structure or alteration or improvement thereto of any character, other than internal alterations, shall be constructed upon any lot hereby conveyed, nor shall any lot be subdivided, or altered (the term "altered" shall include: (a) removal of live trees, (b) grading or locating driveways or entranceways, (c) filling, or (d) any kind or type of construction whether temporary or permanent unless and until such plans, specifications and landscaping lay-out for the same have been approved in writing by the ARC, as to (a) quality of workmanship and material types, (b) external design and appearance, (c) location of improvements and overall landscaping, and (d) color scheme.
 - i.) All easements along road frontage and lot lines as shown on the aforesaid subdivision plat are hereby reserved unto the developer, his personal representatives, heirs, assigns, or agents, for the purpose of access, drainage or furnishing light, telephone or any other utility to the property.
 - j.) All lots shall be used for residential purposes only, and there shall not be erected on any one lot, as such lot may be prescribed and designated on said subdivision plat, more than one detached, single family dwelling house, and the necessary outbuildings suitable therefore. All homes shall have a minimum of 2700 square feet of heated finish floor area exclusive of basements and garages.
- k.) No building shall be located on any lot nearer to any street or to a side line than is permitted under the applicable local zoning ordinance in effect at the time such building is constructed. Fences or walls not constituting a part of a building shall be approved by the ARC, and no fences or walls not constituting a part of a building shall be erected, placed or altered on any lot nearer to any street than the minimum exterior set back line but in no case shall it extend farther than the rear of the house except with the prior approval of the ARC.
- l.) No animals, including without limitation, rabbits, livestock, or poultry of any kind shall be allowed on any lot except that dogs, cats or normal household pets may be kept thereon in numbers not exceeding those permitted by law provided they are not kept, bred, or maintained for any commercial purposes, and must be kept under control of their owner when outside owner's premises, not constitute a nuisance in the opinion of the ARC. His successors or assigns. In such event they will be removed from said lot upon demand of the ARC, his successors or assigns. No dog or cat kennels, rabbit hutches or pigeon lofts, temporary or permanent, shall be erected except for normal household pets.
- m.) No structure of a temporary character, trailer, motor home, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

- n.) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No use shall be made of any lot which will depreciate or adversely affect the value of the surrounding lots or of the neighborhood.
- o.) All lot owners shall take care not to disturb or siltate shoulders, backslopes, ditches, pavement, curb and gutter, driveway culverts, or any other improvements within the public right of way. Each lot owner agrees to be responsible for disturbances and siltation caused by themselves, their employees, suppliers, contractors, or others and shall have 14 days from the receipt of a letter from the ARC to correct the manage. If a lot owner fails to properly correct the damage in a workman-like manner, then the ARC or developer will correct the damage and bill the lot owner directly on a cost plus 50% (percent) basis. Lot owner hereby agrees to make payment within 30 days of presentation of bill. A 2% per month (24% per annum) service charge shall be applied to bills after 30 days of presentation.
- p.) No trees measuring 6 inches or more in diameter at a point two feet above ground level, flowering trees, or shrubs or evergreens may be removed without written permission of the ARC, unless located within 10 feet of a building, within 10 feet of a building site, or within right of ways of driveways and walkways. Exceptions are trees which must be removed because of an emergency.
- q.) Developer hereby makes notice to all owners to check with the Chesterfield Planning Department about future and potential development of adjacent and area properties prior to purchase.
- r.) Any one of more of these conditions, covenants, limitations, charges and proprietary requirements imposed herein or any subsequent amendments or future covenants and their conditions, covenants, limitations, charges and proprietary requirements may be amended, waived, modified, or rescinded, in whole or in part, by Sanders Wilhelm without notice. Sanders Wilhelm reserves the right to make special exceptions to these conditions on a case by case basis; however, any special exception(s) shall not be deemed as a waiver of such restriction(s). Sanders Wilhelm shall have the right to amend theses covenants or any future covenants or amendments of such covenants as the case may be without limitation in his sole discretion except that the concurrence of Sanders Wilhelm will not be necessary after the last lot has a house built and occupied upon it, or whenever Sanders Wilhelm assigns his rights to another party Sanders Wilhelm reserves the right to assign any and all rights herein to the homeowners and at such time of notification, the homeowners shall hereby accept such assignment as part of these covenants, without return notice or verification of such.
- s.) Invalidation of any of these covenants and conditions by court adjudication or otherwise shall in no way modify, affect or invalidate any of the other covenants and conditions contained herein, which shall remain in full force and effect.
- t.) Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent

or rectify such violation and/or recover damages therefore. The failure of any owner or the undersigned to bring any such proceeding shall not be considered as a waiver of any rights at law or in equity that any such party may have for past or future violation of any covenant herein contained.

u.) These covenants and conditions are to run with the land and shall be binding upon subsequent owner or owners and all parties claiming through or under such owner or owners for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, revoking said covenants, or agreeing to change said covenants in whole or in part. (P)

15. In conjunction with recordation of the initial plat, a stub road right of way shall be provided to the adjacent parcel to the west. (T)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

07SN0386: In Bermuda Magisterial District, **BROAD STREET PARTNERS COMMERCIAL LLP** requested rezoning and amendment of zoning district map from Agricultural (A), Community Business (C-3), General Business (C-5) and Residential (R-7) to Community Business (C-3) with Conditional Use to permit multifamily uses plus Conditional Use Planned Development to permit light industrial uses and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and residential use of 7.01 to 10.0 units per acre and under certain circumstances more intense uses such as high density residential, commercial and industrial uses. This request lies on 190.8 acres fronting approximately 1,340 feet in two (2) places on the east line of Jefferson Davis Highway north of Redwater Ridge Road approximately 1,000 feet on the south line of Osborne Road and approximately 1,820 feet on the west line of I-95. Tax IDs 798-656-4174, 7198 and 8099; 798-657-0830, 3703 and 5657; 799-655-4194; 799-656-0212; 799-657-3802; 800-656-5991; 800-658-9359; and 799-658-Part of 6575.

Mr. Clay presented an overview of the request and staff's recommendation, noting Addendums submitted relative to the inclusion of a Textual Statement and the submittal of revised/additional proffered conditions.

Mr. John V. Cogbill, III, the applicant's representative, presented an overview of the proposal, citing elements relative to land use, layout of the project, buffers, transportation improvements, off-site and/or on-site improvements and noting the development would significantly benefit the economic development of the County.

Mr. Gulley opened the discussion for public comment.

There was support for the request, noting the proposal was consistent with the comprehensive plan and represented the desired project to help revitalize the Jefferson Davis Highway Corridor.

Those in opposition noted the difficulty in relocating the displaced residents and their homes and the lack of spaces within the county to which they could move.

There being no one else to speak, Mr. Gulley closed the public comment.

Mr. Hassen indicated this was a difficult case and his concern for the limited available space for displaced residents. He noted, however the significant road improvements and the revitalization efforts.

On motion of Mr. Hassen, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0386, subject to the following condition and acceptance of the following proffered conditions:

CONDITION

A minimum of fifty (50) foot buffer shall be provided along Osborne Road. This buffer width shall be measured from the ultimate right of way line of Osborne Road. This buffer shall meet the Ordinance requirements for fifty (50) foot buffers. (P)

PROFFERED CONDITIONS

The Owners and the Developers for themselves and their successors or assigns (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, proffer that the development of the property known as Chesterfield County Tax Identification Numbers 798-656-4174, 798-656-7198, 798-656-8099, 798-657-3703, 798-657-5657, 799-655-4194, 799-656-0212, 799-657-3802, 799-658-6575 (Part), 800-656-5991, 798-657-0830, 800-658-9359 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 with a conditional use (CU) and with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

The application contains one exhibit described as follows:

Exhibit A (Tract Plan) – Plan titled "Exhibit A: Land Use Plan," dated September 24, 2007, prepared by Vanasse Hangen Brustlin, Inc., showing Tract boundaries.

1. Master Plan. The Textual Statement dated October 10, 2007, shall be considered the Master Plan for the development. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Ponds. If any of the existing ponds on the Property remain, the dams shall be retrofitted and certified. If any of the existing ponds on the Property are used for stormwater management, the pond(s) shall be retrofitted in accordance with the Zoning Ordinance requirements for BMP basins. (EE)
4. Utilities. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)

5. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of any residential building permit for infrastructure improvements within the service district for the Property in excess of 312 dwelling units:
- A. \$15,600 per dwelling unit in excess of 312 dwelling units located on the Property, if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, \$5331 for school facilities, and \$404 for fire stations.
 - B. Provided, however, that if any building permits issued in excess of 312 dwelling units on the Property are for senior housing, as defined in the proffer on age-restriction, the Developer shall pay \$10,269 per dwelling unit if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.
 - C. Provided, however, that if any building permits issued in excess of 312 dwelling units on the Property are for affordable housing, the Developer shall pay \$0 per dwelling unit. Affordable housing shall be defined as any dwelling unit constructed for a household whose income is sixty (60) percent or less than the area median income (ex: Richmond MSA or other defined area used by the funding agency or group) and affordable housing funding or financing is provided by VHDA or other similar agency or non-profit group (e.g. Better Housing Coalition) that provides funding or financing in keeping with the Federal Tax Credit program for affordable housing. In addition, a deed restriction shall be placed on the affordable housing units requiring them to meet the affordable housing criteria for a minimum of fifteen (15) years. Prior to the issuance of a building permit for any affordable housing unit, the Developer of the affordable housing shall provide documentation to the County that the funding or financing has been provided for the construction of affordable housing in keeping with the Federal Tax Credit program. Examples of such documentation include a "Section 42M letter" from VHDA or a "carry forward allocation agreement" as those terms are used and/or defined by VHDA from time to time, or other documentation that is reviewed and approved by the Chesterfield County Attorney.
 - D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

6. Transportation Density. The maximum density of the development shall be 250,000 square feet of light industrial; 250,000 square feet of warehouse; 570,000 square feet of shopping center; and 385 apartments, or the equivalent density as determined by the Transportation Department. (T)
7. Access.
 - A. Prior to any site plan approval, access easements, acceptable to the Transportation Department, shall be recorded across the Property to ensure future shared cross access with Tax ID 801-656-2576 and Tax ID 798-658-0445. The use of the easement(s) and any construction required for the easement(s) use shall occur if and when Tax ID 801-656-2576 or Tax ID 798-658-0445 requires such access. All improvements necessary to facilitate the use of the easement(s) shall be the sole responsibility of others.
 - B. Direct vehicular access from the Property to Jefferson Davis Highway (Route 1) shall be limited to three (3) entrances/exits. Two (2) entrance/exit points shall align with the existing intersections on Jefferson Davis Highway that serve Redwater Ridge Road and Trollingwood Lane. The remaining direct entrance/exit to Jefferson Davis Highway shall be limited to right-turns-in and right-turns-out only. The exact locations of these accesses shall be approved by the Transportation Department.
 - C. There shall be no direct vehicular access from the Property to Osborne Road. (T)
8. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval, in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:
 - A. Sixty (60) feet of right-of-way on the east side of Jefferson Davis Highway (Route 1) measured from the centerline of that part of Jefferson Davis Highway (Route 1) immediately adjacent to the Property.
 - B. Thirty-five (35) feet of right-of-way on the south side of Osborne Road measured from the centerline of that part of Osborne Road immediately adjacent to the Property. (T)
9. Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. The exact design of these improvements shall be approved by the Transportation Department. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer of the Property.

- A. Construction of additional pavement along the northbound lanes of Jefferson Davis Highway (Route 1) at each approved access to provide separate right turn lanes.
- B. Construction of additional pavement along the northbound lanes of Jefferson Davis Highway at the Home Depot shopping center/Redwater Ridge intersection to provide dual left turn lanes.
- C. Construction of additional pavement along the southbound lanes of Jefferson Davis Highway at the Home Depot shopping center/Redwater Ridge Road intersection to provide dual left turn lanes.
- D. Construction of additional pavement along Redwater Ridge Road at its intersection with Jefferson Davis Highway to provide a six (6) lane typical section (i.e. four (4) westbound lanes - two left turn lanes, one through lane and one right turn lane, and two (2) eastbound lanes).
- E. Restripe the exiting lanes of the southernmost access that serves the parcel identified as Tax ID 798-655-1253 (Home Depot shopping center) at its intersection with Jefferson Davis Highway to provide an eastbound left turn lane and an eastbound through lane/right turn lane.
- F. Full cost of traffic signal modifications at the Jefferson Davis Highway/Home Depot shopping center/Redwater Ridge Road intersection, as determined by the Transportation Department.
- G. Full cost of traffic signalization at the Jefferson Davis Highway/Trollingwood Lane intersection as determined by the Transportation Department.
- H. Construction of additional pavement along the southbound lanes of Jefferson Davis Highway at the Trollingwood Lane intersection to provide dual left turn lanes.
- I. Construction of additional pavement along Trollingwood Lane at its intersection with Jefferson Davis Highway to provide a six (6) lane typical section (i.e. four (4) westbound lanes - two left turn lanes, one through lane and one right turn lane, and two (2) eastbound lanes).
- J. Restripe the exiting lanes of the northernmost access that serves the parcel identified as Tax ID 797-656-6244 (Bermuda Crossroad Lane) at its intersection with Jefferson Davis Highway to provide an eastbound left turn lane and a through lane/right turn lane.
- K. Construction of additional pavement along the eastbound lanes of West Hundred Road (Route 10) at the Jefferson Davis Highway (Route 1)/West Hundred Road (Route 10) intersection to provide dual left turn lanes.

- L. Full cost of traffic signal modifications at the Route 10/Route 1 intersection, as determined by the Transportation Department.
 - M. Construction of additional pavement along the northbound lanes of Jefferson Davis Highway (Route 1) at the Jefferson Davis Highway (Route 1)/Osborne Road intersection to provide dual left turn lanes.
 - N. Construction of additional pavement along the westbound lane of Osborne Road to accommodate two (2) receiving lanes for the dual northbound left turn lanes from Route 1.
 - O. Full cost of traffic signal modifications at the Route 1/Osborne Road intersection, as determined by the Transportation Department.
 - P. Relocation of the ditch to provide an adequate shoulder along the south side of Osborne Road for the entire Property frontage along Osborne Road.
 - Q. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, excluding Proffered Conditions 9.D. and 9.I., the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
- 10. Phasing Plan. Prior to any site plan or tentative subdivision plat approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)
 - 11. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (P)
 - 12. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 11 shall be noted on the site plan. Such dwelling units shall be grouped together as part of the same development section(s). (P)
 - 13. Buffers.
 - A. A minimum of two hundred and seventy five (275) feet of separation ("Separation Area") shall be provided between any multifamily residential building and any

industrial building. This area is generally shown on Exhibit A as the Resource Protection Area located on Tracts B and C. Within the Separation Area, a one hundred foot buffer shall be provided (based on the zoning ordinance requirements for a 100 foot buffer). The buffer may be provided within Tract B or C or both tracts, based on site conditions, as determined at the time of site plan review.

- B. No construction shall occur within the RPA area as generally shown on Exhibit A; however, landscaping and screening as permitted by Ordinance; signs, security fencing, utilities and roads which run generally perpendicular through the RPA; pedestrian walkways and similar uses may be permitted at Subdivision or Site Plan review.
- C. A seventy-five (75) foot buffer shall be provided along the western property line of Tax Identification Number 800-658-9359 that is north of the creek ("Northwestern Property"). This buffer may be reduced to fifty (50) feet at the time of site plan review provided a screen is included within the buffer. If the residential properties adjacent to the Northwestern Property have been developed as commercial or industrial uses at the time a site plan is approved for the Northwestern Property, then no buffer shall be required. (P)

- 14. Security. Prior to any site plan or subdivision approval for the dwelling units, the owner or its successor shall either (a) enter into a contract with the County providing for the permanent presence of a Chesterfield County police officer on the premises for a minimum of ten (10) hours per week for 52 weeks a year or (b) annually submit a security plan to the Chesterfield County Police Department for review and approval. The department's review may include, but not necessarily be limited to, the type, frequency and severity of crime at the property to determine if the plan requirements should be modified up to and including the owner or its successor entering into a contract with the county or other approved entity for providing on site security personnel. The owner or its successor shall implement the approved security plan as may be modified from time to time. (PD)
- 15. Density: The maximum number of dwelling units permitted on Tract B shall be 385 units. (P)
- 16. Affordable Housing Density. The maximum number of affordable housing units, as defined in Proffered Condition 5.C., permitted on Tract B shall be 60 units. (P)

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

◆ **COMPREHENSIVE PLAN AND CODE AMENDMENTS (continued).**

◆ ◆ ◆

PROPOSED SWIFT CREEK RESERVOIR WATERSHED MASTER PLAN ORDINANCES TO DECREASE IMPERVIOUS AND INCREASE PERVIOUS AREAS.

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 8-6 of the Erosion and Sediment Control ("E&S") Ordinance, Sections 17-62 and 17-76 of the Subdivision Ordinance and Sections 19-58, 19-238, 19-301, 19-514, and 19-521 of the Zoning Ordinance, and adding and enacting Section 19-513.1 of the Zoning Ordinance. The amendments relate to design and water quality standards in the Upper Swift Creek Watershed ("Watershed"), including the use of Low Impact Development ("LID") practices to reduce pollutant run-off and improve water quality of streams and the Swift Creek Reservoir. The Watershed consists of all land in Chesterfield County located upstream of the Swift Creek Reservoir Dam. A summary of the proposed ordinance amendments is set forth below.

The E&S amendments would allow the County to require more stringent E&S measures for development in the Watershed if necessary to protect sensitive environmental features or water resources. The Subdivision amendments would require in the Watershed that (1) all new construction and substantial improvements of residential dwellings be set back at least 35 feet from wetlands, Resource Protection Areas (RPAs) and RCM-NRPAs and (2) roadside ditches, instead of curb and gutter, be used on local subdivision streets where the average lot frontage exceeds 90 feet.

For land within the Watershed, the Zoning Ordinance amendments would, among other things: (1) require non residential structures and accessory buildings to be set back 25 feet from floodplains and environmental features but allow this to be reduced to 5 feet if LID practices are used, (2) require redevelopment sites not served by a water quality Best Management Practice (BMP) to reduce runoff loads of phosphorus and lead by at least 30% and, if currently served by a BMP, by at least 20%, (3) require use of LID practices to achieve required pollutant control in certain instances, (4) clarify that all development, even development found to have certain vested rights, must comply with the Chesapeake Bay Preservation Act requirement of a minimum total phosphorus load of 0.45 pounds per acre, (5) require submission of a Natural Resource Inventory layout showing general location of environmental features that will be used to minimize the impact of development on sensitive environmental features in the layout of subdivisions and other developments, (6) define "Low Impact Development" and "Transaction Screen" concepts, (7) require a 5% reduction in the minimum number of parking spaces, (8) allow substitution of alternative means of defining pavement edges instead of curb and gutter when water is sheet flowing and LID practices are used, (9) require parking spaces in excess of minimum requirements to be considered overflow parking which must use pervious surfaces, and (10) allow vegetative BMPs in certain buffers if approved by the County.

Discussion may include all of the recommendations listed above. After the public hearing, appropriate changes or corrections may be made to the proposed amendments. Questions should be directed to Dick McElfish, Director of Environmental Engineering, at 748-1038.



Mr. McElfish presented an overview of, and staff's recommendation for, the proposed Code Amendment relating to design and water quality standards in the Upper Swift Creek Watershed, including the use of Low Impact Development ("LID") practices to reduce pollutant run-off and improve water quality of streams and the Swift Creek Reservoir.

Mr. Gulley opened the discussion for public comment.

One citizen and three members of the development community spoke in general support of the proposed changes but noted concerns relative to roadside ditch requirements being too stringent and the need for a community outreach group to be established for public input.

There being no one else to speak, Mr. Gulley closed the public comment.

Commission members expressed concerns relative to buffers and ditches; provision of curb and gutter and sidewalks in lieu of roadside ditches; allowing flexibility for less restrictive requirements and leaving options to the developers; and other concerns.

On motion of Mr. Bass, seconded by Dr. Brown, the Commission resolved to defer the proposed Code Amendment relating to design and water quality standards in the Upper Swift Creek Watershed, including the use of Low Impact Development ("LID") practices to reduce pollutant run-off and improve water quality of streams and the Swift Creek Reservoir to the April 15, 2008, Planning Commission Work Session.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

IX. PRESENTATION OF RESOLUTION OF RECOGNITION TO
♦ **SHERMAN W. LITTON FOR HIS YEARS OF SERVICE ON THE PLANNING COMMISSION.**

Mr. Gulley stated that, at this time, the Commission wished to recognize Mr. Sherman W. Litton for his service as a member of the Chesterfield County Planning Commission.

On motion of Mr. Gulley, seconded by Dr. Brown, the Commission adopted the following resolution:

WHEREAS, Mr. Sherman Litton represented the ***Dale District*** as a member of the ***Chesterfield County Planning Commission*** for eight years, serving as ***Chairman*** during ***2006***; and

WHEREAS, Mr. Litton actively participated in the development of the Public Facilities Plan, a plan to aid in providing County residents with adequate public facilities at the best locations when these are needed; the development and adoption of an amendment of the Central Area Plan, to incorporate the Chesterfield County Government Center and surrounding area; and the development and adoption of the Courthouse Area Overlay Design District; and

WHEREAS, Mr. Litton's support for citizen participation in the zoning and development process resulted in numerous citizen notification procedures, appeal rights and his personal commitment to meet and discuss issues of concern to County citizens; and

WHEREAS, Mr. Litton participated in procedural Planning Commission meeting changes which provided fair and open access for all citizens; numerous County historic landmark designations; and efforts to develop programs to protect Countywide water resources; and

WHEREAS, Mr. Litton provided leadership and guided the Commission through the evaluation of development proposals that benefit the economy, environment and development pattern of the County to the benefit of County citizens by supporting business growth and expansion such as the Seaboard Concrete expansion, expansion of commercial and industrial uses along Hull Street Road at Hendricks Mill

Road and Speeks Drive and supporting flexibility in uses and outside storage standards at the Chesterfield Industrial Park. In addition, Mr. Litton encouraged incorporating higher quality architectural features and an emphasis on transportation improvements in residential developments, such as the Lanco Corporation and Finer Homes developments at Salem Church and Kingsland Roads; the George Emerson and Roper Brothers cases at Woodpecker and Nash Roads; the Otterdale Partners development at Old Hopkins and Conifer Roads; and Watermark Town Center, a mixed use project on Ironbridge Road at Cosby Lake. Further, Mr. Litton participated in efforts to develop and expand public services such as the jail expansion, the public park on Jessup Road, the Meadowdale library replacement and the expansion of Lucy Corr Village.

NOW, THEREFORE, BE IT RESOLVED, that the CHESTERFIELD COUNTY PLANNING COMMISSION, on this 15TH DAY OF JANUARY 2008, does hereby recognize and applaud the conscientious efforts, commitment to excellence and distinguished service displayed by MR. SHERMAN LITTON.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to MR. LITTON and that this resolution be permanently recorded among the papers of the PLANNING COMMISSION OF CHESTERFIELD COUNTY.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

X. CITIZEN COMMENT ON UNSCHEDULED MATTERS.

Mr. William Shewmake, a County resident and zoning attorney, expressed concerns relative to the significance of presenting staff presentations to avoid a public perception of impropriety. He again reiterated his previously stated concerns regarding premature approval of the proposed amendment to the *Upper Swift Creek Plan* amendment relating to level of service standards for roads and public schools, noting he felt the proposed had been rushed and did not have adequate public input.

Ms. Betty Hunter-Clapp, a County resident, commended the Commission for their action to recommend approval of the proposed amendment to the *Upper Swift Creek Plan* amendment relating to level of service standards for roads and public schools.

XI. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Hassen, that the meeting adjourned at 11:35 p. m. to January 29, 2008, at 9:00 a. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gulley, Bass, Hassen, Brown and Waller.

Chairman/Date

Secretary/Date